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A Journalism Review

"Deep Throat"
On Trial

Taking On The
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The 'Conspiracy' To Murder Cops

BY GERALD M. ASTOR

On the cover of *New York* magazine's Feb. 12 issue, a cardboard-like cutout of a cop drips jam-red gobbets from four large holes drilled through his head and torso. The headline reads: **TARGET BLUE, THE STORY BEHIND THE POLICE ASSASSINATIONS**. Inside runs a sort of bullet-by-bullet account of assaults upon policemen, opening with the statement, "The assassins call themselves the Black Liberation Army and their targets are cops, any cops." In English 101 that qualifies as an acceptable topic sentence, and what follows is supposed to back up the thesis. But "Target Blue," an excerpt from a forthcoming book by Robert Daley (I will get to him in some detail momentarily), raises a good many more questions than it answers. The conspiracy argument, like the cardboard cop, suffers from a number of big holes.

The essence of "Target Blue" is energetic overstatement, which suggests that the exercise is less reportage than a position paper. The piece follows its opening statement, for example, with a recitation of five attacks on New York cops in which four were brutally murdered. "Such assaults and ambushes are nationwide," sums up the author, listing attacks in San Francisco, St. Louis, Atlanta and North Carolina. We are duly informed that after several of the New York City shootouts mail from someone claiming to represent the Black Liberation Army claimed credit for the attacks. But nowhere else in the country have police identified the B.L.A. as putting them under siege. A nationwide army is one that has units located across the country. But

Gerald M. Astor, a former senior editor at Look and a freelance writer, is the author of The New York Cops. He is currently writing a book about Joe Louis scheduled for fall publication.

Robert Daley's title
was Deputy Police
Commissioner of New
York, but more
accurately he was a
pistol-packin' flack
with literary
ambitions.

the best that "Target Blue" can muster is perhaps 20 names of people who travel around the country making life dangerous for cops. That makes "Target Blue's" Black Liberation Army about as nationwide as the conspiracy led by Frank and Jesse James.

It cannot be denied, of course, that there are people out there who shoot cops. The first of the major incidents, according to "Target Blue," occurred on Manhattan's Upper West Side. Two patrolmen, assigned to guard District Attorney Frank Hogan's home, were about to leave on their meal break when they spotted a car traveling in the wrong direction on a one-way street. They gave pursuit and when they caught up with the fleeing vehicle, the man on the passenger side opened up

with a .45 caliber machine gun. Both officers were very badly wounded. A typewritten letter to *The New York Times* (accompanied by a license plate allegedly from the gunners' car, and a .45 caliber bullet) boasted that the assault was the work of the B.L.A.

"Target Blue" fails to note, however, that as an ambush tactic, the incident is peculiar. The would-be assassins had to count upon the cops pursuing them and had it not been for the meal break, the two officers, with a primary duty to stick by the D.A.'s home, would never have left their post, never approached the car with the machine gun. Is it possible that men who possessed illegal weapons, having attracted the attention of policemen through an unintentional traffic offense, rather than risk arrest and conviction for the firearms, shot their way to freedom?

Two nights after the machine gun shattered the patrol car and the men in it, a pair of cops, Waverly Jones, black, and Joseph Piagentini, white, answered a call for aid at a housing project on the site of the old Polo Grounds. It was a legitimate call, but the woman who had been slashed refused medical help. As the officers walked back to their parked patrol car, two blacks, lounging on a nearby automobile, suddenly pulled pistols and fatally gunned down Jones and Piagentini. Another letter, typed on the same machine as the message that took credit for the machine-gun attack, claimed the killings for the Black Liberation Army.

Again, there is a peculiar aspect to the Polo Grounds murders. The roadway around the housing project is normally the responsibility of housing police. Would-be assassins could wait weeks there before a prowler had occasion to come calling, and there has never been any public question that the

(continued on page 15)

[MORE]

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[CONTENTS]

1. The 'Conspiracy' to Murder Cops
by Gerald M. Astor
2. Hellbox: Rosebuds; The Met's 'Hot Pot'; Smithsonian Showdown; The Suicide Pact; Corrections.
3. Trespassers Beware!
by Bob McCabe
4. Cashing in on Doomsday
by Barbara Grizzuti Harrison
8. Blockbuster Mania
by Chris Welles
9. Promoting 'Future Shock'
by Gerald Walker
13. Judge Tyler's New Mature Courtroom
by Joseph Roddy
19. Letters

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For more than a year now, a small group of editors, salesmen and publicity people in the book publishing industry have been holding weekly meetings at one another's homes to discuss, among other matters, some of the archaic and unfair practices that afflict their profession. These informal gatherings have focused on writers' rights, book reviewing, employment conditions, distribution and selling, the financial structure of the industry, subsidiary rights and censorship, among other issues. For some time, however, the group has felt limited by its smallness—it never grew larger than 20—and by the fact that top management, non-middle management, writers and booksellers were not included. Consequently, the group—which has adopted the name Bookworkers—is sponsoring "Open Publishing," an evening of discussion April 9 at the New York public library (6 P.M.) that is open to anyone professionally concerned with trade book publishing.

We, too, have been pondering the book industry of late, and beginning with this issue add the general subject to our beat. In "Blockbuster Mania," Chris Welles examines the growing frustration felt by thousands of non-best-selling authors as they collide with an industry increasingly dominated by a few large paperback houses preoccupied almost exclusively with big numbers. In a companion piece, Gerald Walker charts the awesome

COLUMN TWO

BY RICHARD POLLAK

determination with which the hottest paperback firm, Bantam Books, went after those numbers in acquiring and then promoting Alvin Toffler's *Future Shock*.

What business does a journalism review have poking into books? Quite a lot, we think, since a great deal of journalism pours forth from the publishing houses. Inevitably, some of it is open to question, as Gerald Astor suggests in his dissection of *New York* magazine's recent excerpts from *Target Blue*, a book by former Deputy Police Commissioner (a.k.a. flack) Robert Daley. *Target Blue*, whatever its shortcomings, is expected out on schedule in June. But no one is quite sure when *Intellectual Skywriting*, Philip Nobile's book about *The New York Review of Books*, will come out. As Bob McCabe explains on the page opposite, the *NYR* crowd is unhappy about some of Nobile's observations and is making life difficult for him and his publisher, Charterhouse.

Fearing all this bookishness might get too sober, we loosed Barbara Grizzuti Harrison, a reconstructed Jehovah's Witness, on the Watchtower publishing operation in Brooklyn (18 million handbooks and Bibles sold in 1971), and Joseph Roddy, a porn underachiever, on the trial of "Deep Throat". All in all, both seemed to have quite a good time.

None of this, of course, means we plan to abandon our original mission—the regular scrutiny of newspapers, magazines, radio and television. That was why we founded [MORE] almost two years ago and that will remain our primary aim. We simply hope to add to the mix the best reporting on the book industry that we can muster.

[HELLBOX]

Rosebuds to John McPhee for "The Deltoid Pumpkin Seed," his acute reconstruction of the efforts made over more than a decade by a group of men in New Jersey to build and then fly a lighter-than-air "Aereon," a vehicle they dreamed would change the face of world transportation and make them all rich (*The New Yorker*, Feb. 10, 17 and 24).

McPhee, who lives in Princeton, first learned of the project in 1969 when its spiritual leader, William Miller (a Princeton University classmate in 1953), came to him seeking advice about how to keep the Aereon a secret until the time was right to reveal it to the waiting world. Intrigued, McPhee began keeping track of the project and the following year he and Bill Bradley, the basketball star and a long-time friend from the same class of '53, went out to a private airstrip southwest of New York to view a test flight of Aereon 7. "Both of our jaws fell open," recalls McPhee. "Here was this extraordinary thing."

"It had no wings," writes McPhee. "It had a deep belly and a broad, arching back. Seen from above, it was a delta. From the side, it looked like a fat and tremendous pumpkin seed . . . Aereon 7 had cost five thousand dollars. To reach this moment, though, well over a million dollars had been spent in the past eleven years." That day, Aereon 7 "firmly took to the air . . . climbed out nicely to an altitude of 100 inches, threw one blade of its propeller, sank rapidly, landed heavily, and scraped its nose."

In 1971, a larger version of the craft, Aereon 26, *did* fly. "The tests of the deltoid Aereon had been determinative," concludes McPhee, "but no one could say in what sense. An experimental aircraft had at one moment been doing Dutch rolls and controlled phugoid oscillations in the here and now. In the next moment, it was a museum piece hidden away in a secret hangar . . . Months went by. A year went by. Two years. Aereon attracted interest but no developmental contract, no developmental funds. The summary result of all tests, all flights, all briefings and debriefings, all computations, two configurations, three propellers, one founder, four presidents, twelve years, nearly one and a half million expended dollars, and a hundred miles of circuit flight had been reduced to data that could be expressed on a single sheet of paper. Miller travelled around the country holding up the data like a lamp."

"The Deltoid Pumpkin Seed," which will be published as a book in June, is at heart a "human interest story," a label that doubtless will minimize it for many in this time when such a premium is put on hard-nosed journalism. McPhee is uncovering no scandal. No muck is being raked. Nothing "important" is at stake at all. But not everything in the society is fetid and corrupt. In a stunning portrait, McPhee simply tells us of people in single-minded pursuit of a harmless idea that had folly stamped on it from the start. "I was absolutely fascinated by their sheer persistence," he says. "They could have been making a cane-backed chair as far as I was concerned."

The Met's 'Hot Pot'

For more than a year, the de-accessioning policies of the Metropolitan Museum—the secret barter of works by old masters—have come under the zealous scrutiny of *The New York Times'* art staff. On Feb. 19 of this year came the capper: the beginning of an investigative series on the provenance of the Met's prized new acquisition—its huge, million-dollar Euphronios-Euxitheos calyx krater. The story stayed on page one for ten successive days, with investigative reporter Nicholas Gage filing copy from Rome,

(continued on page 21)

Trespassers Beware!

BY BOB McCABE



Reviewing book reviewers is, for any author, an act of considerable audacity. After *Esquire* published Philip Nobile's "Review of *The New York Review of Books*" a year ago, the heady scent of rank indignation was clearly discernible in the area around the *Review*'s West 57th Street kaserne. "There were a number of angry letters from the *Review*," says *Esquire* editor Harold Hayes, "and a number were sent back." Now, Nobile has finished a book on the *Review*, based in part on the *Esquire* piece, and the atmosphere can only be described as mephitic.

But why? In the early months of Nobile's interviewing, *Review* editor Robert Silvers and other sources were cool but reasonably cooperative. "I didn't get any bad vibes on the piece all the way through," Nobile recalls. Through the summer of 1971, Nobile sent off batches of manuscript to the *Atlantic*, which had commissioned the article. After its usual pause for weighty—it was a 200-page manuscript, after all—consideration, *Atlantic* turned it down, partly because of its length, partly because the editors said they felt Nobile had not sufficiently considered the "politicization" of New York intellectuals. Hmmmmmm. During the latter part of this period, the manuscript was sent to five other book publishers, with a covering letter asking that the manuscript not be passed around. Eventually, Nobile sold his magazine piece to *Esquire* and the magazine's editors set to work whittling it down to size.

At about this time, there was another

Bob McCabe is a former foreign correspondent who now writes for Time magazine in New York and is at work on a novel.

In which Philip Nobile dares to write a whole book about 'The New York Review of Books' and finds it quite a hazardous undertaking.

unpleasant shock. Somehow, a Xeroxed copy of the manuscript drifted into the hands of the *Review*, inspiring a telephone call to Hayes demanding manuscript approval of *Esquire*'s final version. Who made the call? No one seems willing to speak for the record. Evidently, however, there were several soft spots in the original manuscript—which were taken out by the time *Esquire*'s version reached print. The *Review* remained unsatisfied. The angry calls continued. "In anything like this," Hayes says, "there's always the implicit threat of a lawsuit. But it never came to that."

No one involved will talk about the specific points of complaint, either on or off the record. The farthest Nobile will go: "Isn't it rather obvious what they're so upset about? I'm not going to do your guessing for you." Hayes says he'll be perfectly willing to talk about the questions once the book is

published, but feels that for now the matter is best left in the hands of the lawyers. Richard Kluger, the book's publisher, is completing a long legal review of the review of the review. He won't discuss specifics. And Robert Silvers won't talk at all.

There are clues aplenty, however, in the *Esquire* piece. Three major possibilities spring immediately to mind. Nobile is caustic about the *Review*'s oft-overwrought position on Vietnam, harsh on Jason Epstein (the *Review*'s senior adviser) and remarkably impolite about Silvers.

On Vietnam: "1967 was the year N.Y.R. unhappily gained a sticking reputation for left-wing authoritarianism, anti-Americanism, S.D.S.ism, political faddism and what would become known as radical chic.... Why would Diana Trilling feel obliged to announce before assembled guests that '*The New York Review* is the enemy'?"

On Jason Epstein: "Mean, coarse and ill-mannered in the hearts and minds of his peers, Epstein is pound-for-pound probably one of the least popular intellectuals in the New York intelligentsia. Ill-will toward him cuts across party lines.... Epstein is perhaps disliked more by his soul brothers than by intellectuals on the right.... Liberal in liberal times, revolutionary in revolutionary times, *Review*-watchers wonder what next in future times."

On Robert Silvers: "Radical editor by day and darling of the Whitneys and Paleys by night... eccentric working habits and a repulsive intellectual arrogance ruined his chances [at *Harper's* where he worked from 1959 to 1963]... powerless against length and deference [sic] before giants... not universally regarded as a straight shooter... he has difficulty coming right out with negative decisions... Village friends say when he's very tired, the

accent dissolves into primal Long Island Jewish."

A little less than kind? Certainly. But Nobile finds nice things to say as well. Consider: "The *Review* is still champ, the biggest game in town and, according to Robert Heilbroner, 'the closest thing to intellectual skywriting we have in the United States.'" Or this: "Epstein was in his early twenties when he started Anchor Books for Doubleday and therewith ushered in the quality paperback revolution in the United States." Or this, on Silvers as editor: "He is almost unanimously acclaimed, begrudgingly by enemies and ecstatically by sympathizers, as a masterly technician... [his] modus operandi is a thing of beauty."

Clearly, Nobile's appraisal of the *Review* is less than one-sided, and his closing summary of the magazine's effectiveness in its several roles—as literary review, intellectual review, book review, New Left review—positively glows. It seems only fair to guess that it was Nobile's assessments of the personalities that ignited the wrath within the *Review's* walls. And because Nobile discreetly points out that Epstein's involvement with the *Review* has ebbed considerably in recent years—"Epstein no longer plays Charles Foster Kane to Silvers's Jethro Tull"—it would appear that Nobile's less-than-golden portrait of Silvers is at base responsible for much of the *Review's* counter-battery fire.

If the *Review's* displeasure with the *Esquire* portrait was startling, its distinct unhappiness about Nobile's book can only be described as stunning. And this time around, lawyers are involved. Now scheduled for late-fall publication, after a six-month postponement, it will be called *Intellectual Skywriting* and will appear under the colophon of Charterhouse Books, Inc., a relatively new shop headed by Richard Kluger. Kluger and his lawyers are now finishing a long look at the book. "We have been advised," says Kluger, "by attorneys for *New York Review*, that they were displeased by Nobile's article in *Esquire*. They say that since it is their understanding that the book is going to deal with the same or similar material, we should be on warning that they have a client who will look with very close scrutiny at the book." There has been correspondence on the matter, in fact, since last spring—all very cautious and proper and so forth, at least on the *Review's* part. But implicit in such correspondence is the threat of legal action, as Hayes noted in connection with the *Esquire* piece. "They did not say, 'We're going to sue you out of

business, Buster,'" Kluger says, "but it was a hostile letter... a letter of warning."

In this light, Charterhouse's caution is understandable. Asked about the length, depth and dimension of his review of the manuscript, Kluger points to what he calls a "classic problem that gets right to the heart of the relationship between an author and a publisher. A publisher doesn't know and can't check out all the hundreds of facts in a book and thus must rely finally on the author's warranty, which may be somewhat rough on the author." The author, in other words, bears final responsibility for what's published. But Charterhouse is doing its best to check things out. Kluger says that in the case of Nobile's book, "special pains" are necessary. "It's a book of nuance as well as reporting. Its interpretive judgments, cultural assessments—and the fact that the people who are written about are extremely articulate and controversial—it's tricky, very tricky."

Kluger might have added that several of the people being written about, articulate though they may be, do not choose to be articulate about this book. Stonewalling is the phrase. When I called Silvers, his responses were monotonous, save for the moving series of deep sighs that punctuated his end of the conversation. "I really don't think I have anything to say about that book," he told me (Sigh.) "I know you want to write about it but I just have no comment at all." (Deep sigh.) "Well, I'm sorry but I really don't want to talk about it. I just don't want to talk about the whole thing." Indeed, the *Review* even refused to review the Nobile manuscript when Charterhouse asked for specific complaints. The *Review's* lawyers replied that they felt no obligation to assist Charterhouse in its editing tasks.

While the Charterhouse lawyers picked their way through Nobile's now 400-page manuscript, the author himself ran into some unexpected shyness on the part of once-forthcoming sources. To be sure, several people quoted in the *Esquire* version later expressed distinct annoyance with the piece. Prof. Dennis Wrong of New York University complained, in a letter published in *Esquire* last July, that "while appearing to disavow the implication, Nobile had managed to suggest that I wrote my article [an earlier attack on the *Review* in *Commentary*] as a willing accomplice or 'tool' of Norman Podhoretz in his alleged personal vendetta against *The New York Review*." Wrong is still indignant. "I was embarrassed by the piece," he said

last month.

A more troublesome problem with the book was provoked by the defection of a source who originally had provided Nobile with a good deal of first-hand information. Nobile refuses to name the rascal, saying only that he is "totally baffled" about the whole thing. "This is the weirdest thing that has happened to me in journalism." Any suggestion that this "betrayal" has damaged the book, however, is rejected. "What that person told me can be documented in what that person has written elsewhere," Nobile says. Is there a conspiracy against the book? "I don't think so," he says. "It's a case of several people being peeved."

A few questions remain, however, both about the book and about the timing of its publication. When I asked a friend, an editor at a large mid-town house, about the book, he told me that it sounded like an "exercise in minimal publishing." Kluger has no patience with that sort of crack. "Take a look at the list of any publisher," he says, making it clear that he thinks "minimal publishing" is pretty much a question of who's doing the minimalizing. "We think the book is a valuable work of social-literary criticism," says Kluger. Dennis Wrong, who is no particular fan of the *Review's* politics, is not particularly enthusiastic about Nobile's book. "I'd hate to see it come out," he said recently. "The idea behind it is a dead horse and never was that weighty an issue. The *Review's* gotten away from all that New Left stuff." Nobile himself is expectably proud of his project: "I think I did a very thorough and creative history of the *Review*." Kluger, cautious to the end, hedges when asked if *Skywriting* now has a final green light. "I haven't said that," he said in mid-March. "I've said we're still completing the legal review. That's where we stand."

Unless something particularly nasty pops up, galleys will go out in mid-summer to reviewers, including the *New York Review*-owned Virginia Kirkus Service. By late September or early October, the critics will begin handing down their judgments. What will *The New York Review of Books* have to say about *Intellectual Skywriting*? Perhaps a guideline can be found in the fact that the *Review's* current promotional material burbles as follows: "Is it any wonder that even *Esquire* magazine wrote, 'as intellectual review, the *New York Review of Books* is tops—the Colosseum and the Louvre museum'?"

As Nobile puts it: "They're making good use of me."

Cashing In On Doomsday

BY BARBARA GRIZZUTI HARRISON

One Sunday morning in 1946, at what, given other circumstances, might justly have been called an ungodly hour, a woman redolent of cloves rang my parents' doorbell and announced the imminent end of the world. The woman—who managed obliquely, but nevertheless strenuously, to suggest that we might escape being pulverized by Jahveh if we availed ourselves of the opportunity to purchase a *Watchtower* magazine—was one of Jehovah's Witnesses. The cloves were in aid of a decaying molar, which—inasmuch as Armageddon, the destruction of the wicked, and the restoration of paradise on earth for the righteous were immediately at hand—it didn't pay to have filled by the dentist.

Jehovah's Witnesses have been announcing

Barbara Grizzuti Harrison, a former Jehovah's Witness, is a New York-based freelance and the author of Unlearning the Lie—Sexism in School, to be published this summer.

**In 1971, the Jehovah's
Witnesses sold
18,168,032
handbooks and
Bibles and
218,898,563 copies
of 'The Watchtower'
and 'Awake!'**

the end of the world (or, as a recent change in theological circumlocution has it, "the destruction of this wicked system of things under Satan the Devil") with persistent zeal since 1884. Readers over forty-five may remember door-to-door proselytizers bearing portable phonographs to beguile the unwary and zap the tremulous of heart with the recorded voice of one "Judge" Rutherford, who shrilled, in a thin and wobbly but impassioned tenor, the twin doctrines *Millions Now Living Will Never Die* and *Religion Is a Snare and a Racket*. (The eccentric theological reasoning that led one of the world's fastest growing religions to declare that it was *not* a religion changed as the unwieldy phonograph gave way to printed material: Now the Witnesses proclaim that, unlike the "sects of Christendom," otherwise known as "the whore of Babylon," they are the only True Religion.)

Jehovah's Witnesses do not smoke, drug, fornicate, fellatiate, or litter—nor do they accept

blood transfusions, vote, or salute the flag of any country. They are earnest, orderly, friendly, clean, folksy, sober, circumspect, and, in the opinion of some observers, consummately arrogant: Unsantified readers will certainly conclude from Watchtower literature that the Witnesses view the struggles and pains of "worldlings" as meaningless and contemptible. And there's a certain ghoulish ruthlessness in the way in which they gleefully point to the shootings at Kent State, the failure of the League of Nations, earthquakes, plagues, heroin, divorce, "fast rock dancing with attention focused on an area of the body where the reproductive organs are," and the destruction of the environment as proof that we have been, since 1914, living in the "last days."

An awful lot of people seem to find this stuff attractive. In 1920, there were 8,402 JW's; in 1960, there were 851,378; and in 1972, there were 1,596,442 Witnesses in 208 countries. Their growth is even more remarkable when you consider that each of these 1,596,442 Witnesses is an active door-to-door preacher (a "Kingdom proclaimer"). In 1971, Witnesses spent 291,952,375 hours calling upon people in their homes (291,952,370 of those hours, if my bleary-eyed unregenerate sources are to be believed, were between the hours of 9 and 11 on Sunday morning). In 1971, these door-to-door preachers sold 18,168,032 handbooks and Bibles, and 218,898,563 copies of *The Watchtower* and *Awake!*

One of these "Bible handbooks"—*The Truth That Leads to Eternal Life*, published in 81 languages—is, the Witnesses say, the best seller of all books written in the Twentieth Century, surpassing Dr. Spock's baby book by 30,000,000 copies. According to the Witnesses' distribution figures, which there is no reason to doubt (the Witnesses tell the truth; whether or not they tell The Truth, as they claim, is something else), this 190-page hardbound book, with a title that gets points for being explicit, if not exactly zippy, has sold like 53,000,000 hotcakes, at 25¢ a copy.

The Bible the Witnesses "place" for a "contribution" of \$1 (their euphemism for the exchange of filthy lucre) is *The New World Translation of the Holy Scriptures*, translated by "The New World Translation Committee" from what the Witnesses uniformly refer to as "the original tongues." It is, its publishers say, "much easier . . . to read [than the King James]. Ideas, once cloaked in archaic English, now shine out with meaningful brilliance. Its everyday language helps you to grasp information that is vital for gaining eternal life." Here are a few comparative readings:

Psalm 99:1: The Lord reigneth; Let the people tremble; He sitteth between the cherubim; Let the earth be moved.—*King James Version*.

Jehovah himself has become King. Let the peoples be agitated. He is sitting upon the cherubs.—*New World Translation*.

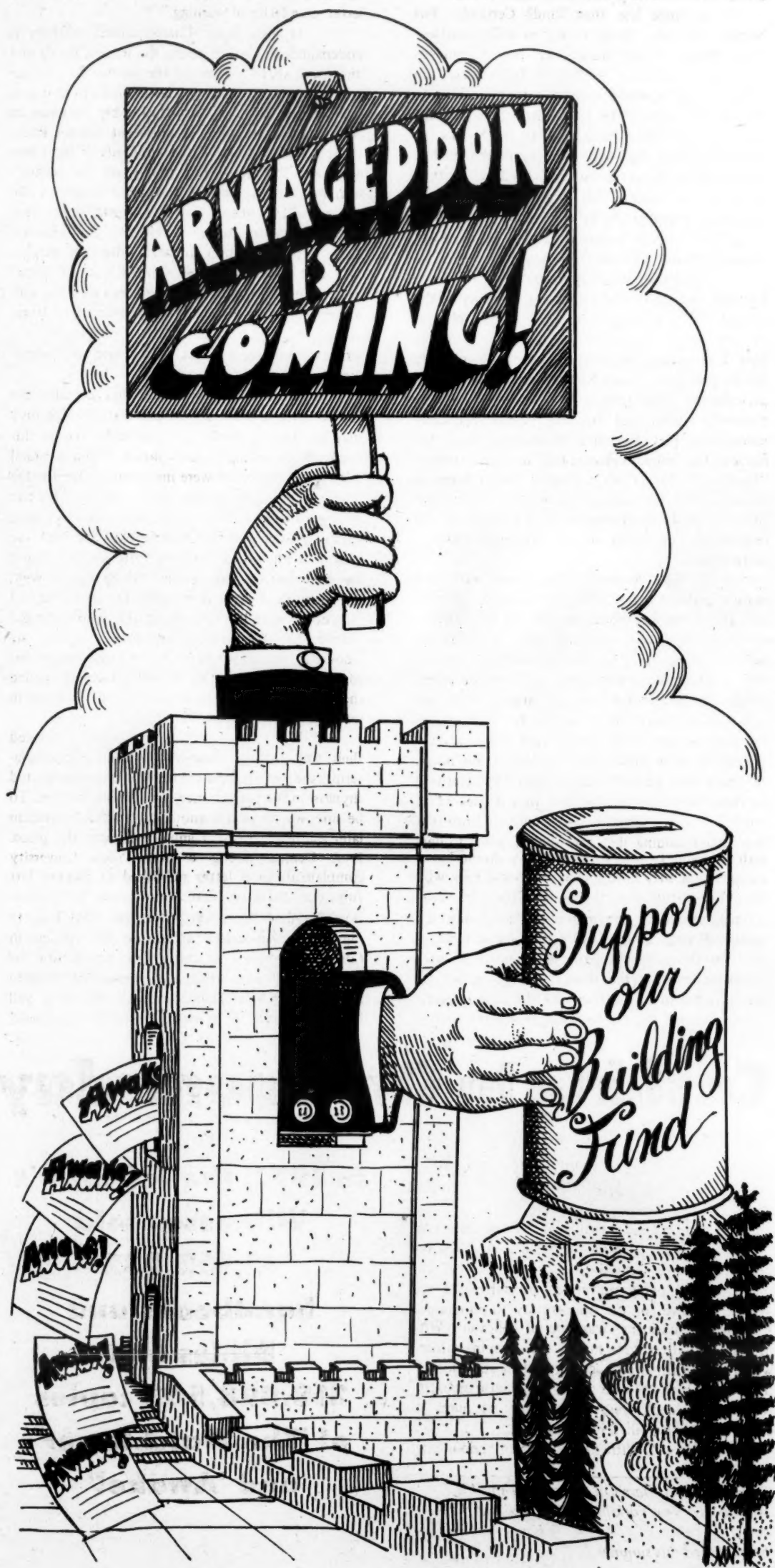
Malachi 3:2: But who may abide the day of his Coming? and who shall stand when he appeareth? for he is like a refiner's fire.—*KJV*.

Who will be the one standing when he appears? For he will be like the lye of laundrymen.—*NWT*. (Try setting that to Handel.)

Ecclesiastes 1:1-3: Vanity of vanities, saith the Preacher, vanity of vanities; all is vanity. What profit hath a man of all his labor which he taketh under the sun?—*KJV*.

"The greatest vanity!" the Congregator has said, "The greatest vanity! Everything is vanity." What profit does a man have in all his hard work at which he works hard under the sun?—*NWT*.

Matthew 28:20: Lo, I am with you always, even unto the end of the world. Amen.—*KJV*.





Look, I am with you all the days until the conclusion of the system of things.—NWT.

While most of us would probably agree that this vulgarization of the noble and resonant King James Version is not exactly what Eliot had in mind when he started us all off on the dying fall, and while it is a mystery why, in order to gain "eternal life," one must read a bastardized version of scripture (indeed, one might think, on the contrary, that God would reserve a special bolt of lightning for anyone who reduced Job's magnificent terror to the level of "Job was scared"), what is indisputable is that there isn't a production manager in the world who wouldn't give his best rotary press to be able to sell a 1,472-page book bound in green vinyl (map and concordances included) for \$1.

Here's how: The Watchtower publishing enterprise is totally self-sufficient and self-contained. All of the publications copyrighted by the Watchtower Bible and Tract Society of Pennsylvania (the legal arm of Jehovah's Witnesses) are printed in, and distributed from, the Watchtower factory complex in Brooklyn by volunteer workers... untouched by worldly hands. Workers live in the communal residences that house the officers of the society and the anonymous writers and editors of Watchtower publications. The 1,000 factory workers eat food grown on Watchtower farms; their temporal needs are served by fellow ministers who are chefs, carpenters, tailors, dry-cleaners, and hog-butchers, and by sister ministers who are housekeepers. The factories that stretch from the Brooklyn Bridge to the Manhattan Bridge (1,265,000 square feet of highly desirable urban property) are, together with the Columbia Heights residences, Jehovah's Witnesses' headquarters—their Mecca, which they call Bethel (house of God). Once, crossing the Brooklyn Bridge on the D train, I heard a young man exclaim to his companion, "There is the most important building in the world!" (Saying things like that loud enough for everybody to hear is known as "giving a witness.") "The most important building in the world" was the old Squibb building, spruced up with Watchtower beige-and-green paint, and embellished with a huge

electric sign advising the New York skyline and all beholders to READ AWAKE! TO STAY AWAKE.

Awake!, Jehovah's answer to the *Reader's Digest*, is a 32-page semi-monthly, published in 39 languages, with an average printing of 7,500,000. According to its publishers, "news sources that are able to keep you awake to the vital interests of our times must be unfettered by censorship and selfish interests. *Awake!* has no fetters... It features penetrating articles on social conditions... *Awake!* pledges itself to... exposing hidden foes and subtle dangers." Featured articles in two recent issues of the magazine that "recognizes facts, faces facts, is free to publish facts" were *Snail Fever—Slow Death for Millions*; *My Life as a Gypsy*; *Bamboo—Asia's Towering Grass*; *Twilight Years Can be Useful Years* ("the aged [may] make bags, repair shoes and raise rabbits"); and *A Closer Look at the Tongue*. *Awake!* is the companion magazine to its spiritual big brother, *The Watchtower* (which the Witnesses, with Talmudic fervor, use as the basis for weekly meetings at which they refresh their knowledge of a rigid literal interpretation of the Bible); *The Watchtower* is printed in 74 languages (sorry, *tongues*), with an average printing of 8,850,000 copies.

The Watchtower welcomes visitors affably (only don't smoke, or you'll feel like Typhoid Annie). I was able easily to arrange an interview with one of the "ministers" (everyone who works in the factory or residence is a minister—even the Selective Service says so), although they'd never heard of [MORE]: "We don't digest secular literature. *The Watchtower* and *Awake!* are our spiritual food." I waited for my host and guide in the lobby of No. 1 Factory Building at 117 Adams Street, resisting the mesmerizing urge to scrawl profane graffiti on the spotless walls of what is surely the cleanest lav this side of the New World. Fantasizing fuchsia spray paint reduced my pleasure somewhat in the three diesel generators that produce DC power for most of the presses and other factory machinery. The generators, the largest of which produces 550 horsepower, are framed by a (squeaky clean) plate glass window in the lobby,

looking rather like the Ark of the Covenant in their splendid elevated isolation, and eliciting a commensurate amount of awe. What did grab me, however, was the flagged map indicating the locations of the congregations of Jehovah's Witnesses in 90 foreign countries (or, as they never fail to say, *lands*). The map was a little out of date: it still believed in the Spanish Sahara and the Belgian Congo. My guide told me why: "We have our eyes on the New World of God's Kingdom; we are not interested in the things of this world."

I spoke to Brother Duane Wilkie. (The Witnesses call one another Brother and Sister—collectively, they are *Brothers*... Male pronouns and nouns are used to embrace both sexes: "If a... woman or someone in the working class calls on you at your home to speak about Christianity, consider what he has to say from the Bible. Such a one may actually represent Christianity."—*Watchtower*, Jan. 15, 1973) Wilkie answered almost all of my questions regarding the cost and value of Watchtower property, property taxes, and the law suits brought by angry residents of Brooklyn Heights whom the Watchtower sought to evict from rent-controlled apartments in one of New York's snitziest landmark neighborhoods in order to expand its dormitory facilities. In all other respects, Wilkie was a veritable tin mine of information.

Wilkie did go so far as to say that the Squibb buildings, purchased in 1969, cost "several million." (In 1971, according to their *Yearbook*, JWs worldwide contributed \$7,042,020.01 toward "expansion," and toward the care and feeding of foreign missionaries (who must eat very little: They are provided with room and board and \$5 to \$7 a month). Wilkie also volunteered the information that the Watchtower had no investments, and no income-producing property. Well, their property may not produce income, but it certainly does produce rancor: "Anyone," said one resident of the elegant Heights to me, "who can put plastic flowers in their windows is *not* the True Religion." Forced to gaze daily upon Watchtower buildings that can most kindly be described as undistinguished, many residents of Brooklyn Heights believe that the Watchtower is about as adorable as Godzilla. Recently the courts decided in favor of the tenants of 1 Clark Street, whom the Watchtower had sought to evict (presumably on the theory that if the meek are going to inherit the earth they might as well start in a good neighborhood), ruling that a religious organization could not evict tenants for its own purposes. Some faint-of-heart tenants left, before the court ruled in their favor, as Watchtower renovations were in progress... they probably felt that they'd rather take their chances with muggers than with "the Lord's sheep" (and they didn't like the plaster dust). The Clark Street building now is occupied partially by headquarters' workers (two same-sex Witnesses to a room), and partly by worldlings (who are, if the Watchtower is correct, squatters on the earth in any case, as are we all.) The Watchtower is currently tax-exempt; their property has been tax-assessed at a quarter of a million dollars. (Some years ago, the Witnesses sold their radio broadcasting station, WBBR, a transaction that must certainly have been income-producing... unless they "placed" it for a "contribution.")

Most of the men and women who live at Bethel are unmarried. Nathan H. Knorr, third president of the Watchtower Bible and Tract Society, has relaxed the longstanding prohibition against marriage at headquarters to make it possible for Bethelites who have served there ten years to marry. (The first beneficiary of this change in

spiritual imperatives was Knorr himself.) All Bethelites, regardless of rank—and Wilkie was quick to point out that this was a “theocratic,” not a democratic, organization—receive an allowance \$14 a month plus room and board. (Nathan H. Knorr receives \$14 a month; he also lives in a penthouse suite at 124 Columbia Heights that would make Jacqueline Onassis’ heart glad—but then *somebody* had to get the penthouse suite.) This meager dole suffices for the editors and the directors of the Society (who are all white, all male and all middle-aged), as well as for the workers who unload the sixteen freight-car loads of paper that are used each week, and those who man the 32 linotype machines, the flatbed and job presses, the 39 rotary presses and the magazine wrapping machines (one million magazines a day are produced and mailed). There are graphotype and addressograph machines too; these are womaned. Wilkie told me that women, being “weaker vessels,” were “assigned un strenuous work. If any Sister has expressed a desire to work presses, I’m not aware of it.” I have, however, observed young women, in the Columbia Heights laundry room, operate heavy steamy shirt-and-sheet presses, and women operate industrial floor-waxing machines; I have no information as to whether the good Lord comes through with an extra dose of the holy spirit for this muscle-straining “woman’s work.”

Very few vices can be maintained decently on \$14 a month. (Wilkie’s view of economics is that “people in the world use up money as a result of bad habits”—which, when you think of it, is rather Nixonian.) Not that Bethelites have much leisure available to them for vices: They are obliged to proselytize, and to attend at least four “congregational meetings” a week, outside of working hours. Working hours are from 8 A.M. to 5:40 P.M., five and a half days a week. (Witnesses regard parts of the Bible as “symbolic.” One of the “symbolic” parts is the admonition to keep the Sabbath.) When I asked Wilkie how it was possible to work such long, arduous hours, he replied that “when people are working on a voluntary basis, attitudes are different than if they were just working to support their families.”

The long day begins with a communal breakfast (bells ring at 6:30—slug-a-beds are severely reprimanded) in dining rooms equipped with close-circuit TV and a public address system so that each of the 1,650 members of the Bethel “family” may hear one of the Watchtower directors’ pre-coffee spiritual counsel for the day. The Watchtower figures that it costs 30¢ to provide one meal for one worker, thus “defraying the cost of literature.”

Observers who tour the Watchtower factories note that, while everyone is working hard, nobody appears to be working frantically (comparisons to *Walden II* may occur to some minds; 1984 to others). People smile a lot. A lot. In one quiet work area, six men over 65 were tabbing in subscription renewal forms, looking rather weary and forlorn. But conjure up no Dickensian images: Each of the old men responded to questions by saying that he was “happy to serve Jehovah” in his twilight years (it beats raising rabbits).

While the Witnesses’ responses may appear to come out of one Samethink computer, computers play no part in the actual printing-distributing process. Many operations are technologically sophisticated; many others, which in other plants might be mechanized or computerized, are designed to require manual labor . . . which makes economic sense, of course, when labor is so cheap. Spiritual sense, too: after all, \$14 a month isn’t bad when it buys the privilege of living forever on a perfect earth.

Awake!

Millions Now Living Will Never Be Born

PAGE 8

Chess—What Kind of Game Is It?

PAGE 12

My New Home—Germany

PAGE 20

Flying a Kite Can Be Fun

PAGE 24

MARCH 22, 1973

It’s time to stop dissembling. I was one of Jehovah’s Witnesses from the time I was nine to the time I was twenty-one. (Why do I always feel like “I Was a Teenage Werewolf” when I say that?) For three of those years I lived and worked at Watchtower headquarters. This is not the place to chronicle my spiritual changes; suffice it to say that I departed from “the great crowd of people of goodwill” (Witnesses actually do talk like that—I used to think everybody did) soon after I proofread the New World Translation of the Song of Solomon. Somewhere there is an issue of *Awake!* proofread by me in which Khrushchev is spelled three different ways in one column of print; that is the sole impact my spiritual agonies had upon the Watchtower Bible and Tract Society. Before I joined the proofreading department (where, among other things, I read proofs written in Tagalog, Zulu, Malayalam, and Melanesian-Pidgin—letter by letter), I was a housekeeper at 124 Columbia Heights. I think even Midge Decter would agree that I was in sore need of liberation: I made thirty beds a day (and I could tell some tales about the nocturnal activities of youthful celibates), scrubbed fifteen sinks a day, dusted, vacuumed, floor-washed and waxed fifteen bed-sitting rooms a day, and (if any single thing catapulted me into the Women’s Movement, this was it) daily scrubbed the tub thirty-five young men had bathed in, frequently begging God’s forgiveness for finding this part of my service to Him so yuucchh-y.

My return to 117 Adams Street was like a trip in a time machine. . . . Jehovah, we are told, is “from everlasting to everlasting”; a thousand years in His sight is but a moment. His Witnesses appear to have found their permanent resting place in the blink of His eye that was the 1940s. In *Watchtower* illustrations of the New World, Armageddon survivors enjoy the blessings of the Millennium correctly and imPeck-and-Peckably attired in demure shirtwaists and nylons with seams (remember Toni Home Permanents? They do); observing the lion and the lamb cuddle in amity are men with 4-H/Midwestern Chamber of Commerce faces, their short hair slicked down with that greasy kids’ stuff, in perfectly creased clothes from Robert Hall. (No

flower children in Paradise; innocence, to the Witnesses, suggests a shirt and tie.) The Witnesses look like that in real life, too, exactly as I had remembered. Time stands still; the arteries harden: From all mouths issued forth the same funny, stilted verbal constructions I’d remembered. True, Jesus preferred sheep to goats; nevertheless, I find it intriguing that 1,596,442 Witnesses in 208 countries (*lands*) talk alike. (You’d know them anywhere. Who else uses the word *harlot*?)

Although I didn’t think I would be recognized or remembered, I brought a friend along for the interview, for comfort in case it got hairy, and in the anticipation of sharing cynical post-mortem pleasantries when the ordeal was over. I introduced him as “my associate,” Patrick Veitch. Wilkie, evidently unwilling to believe that a male might not be in charge, answered all of my questions by looking Patrick straight in the eye. Patrick, who is adamant in his parochial belief that nothing interesting ever happens in Brooklyn, undertook the mission as a lark; but he did not emerge entirely unscathed. As we were leaving, Brother Wilkie addressed a few words privately to Patrick (whom I value above rubies for his ability to invent wild ornate lies whenever the occasion demands): “I’m not for sure,” Wilkie said, “but Barbara looks familiar. Was she ever associated with the Lord’s people?” Whereupon Patrick—bless his soul (if I may be permitted that expression)—declared that “Ms. Harrison has lived in Afghanistan for the past twenty years, so it’s hardly likely you’d know her.”

Three days after our interview, as Patrick and I were sitting in my living room making mock of the godly as a prelude to partaking of some of the sweeter rewards of the ungodly, half of Brooklyn—including the half my living room is in—experienced a power failure. I was able to assure Patrick, who was a little inclined to view the blackout as a judgment, that it wasn’t Armageddon. Armageddon, according to the witnesses’ timetable, isn’t coming until 1975.

Blockbuster Mania

BY CHRIS WELLES

In the classic vignette, the author, weary and red-eyed from an all-night radio show and an early morning TV appearance in Des Moines promoting his latest book, arrives at the downtown bookstore to autograph copies. But where is his book? The bookseller says 50 copies have been "on order" for weeks but never arrived. Distressed, the author repairs to the nearest coffee shop and picks up the local papers to read the ads he expects have been placed to herald his visit. But where are the ads? Minutes later, he is screaming over the phone to his publisher, who apologizes profusely for the "oversight."

Author complaints over such publisher oversights are on the rise. A few days before Christmas, no less than Merle Miller, George Plimpton, Alvin Toffler, and other writer-activists wheeled pushcarts full of books down Fifth Avenue, to the delight of local media, to symbolize most publishers' archaic distribution methods. At a recent Authors Guild dinner meeting, a panel including several book industry publicists was excoriated by angry writers in the audience for their allegedly lackluster promotional efforts. Why publish a book and then just let it die? the authors demanded to know. We're doing the best we can, the publicity people replied, a little defensively.

Such outbursts, which assume the problem derives solely from publisher incompetence, miss the point. Let us return to our vignette. Perhaps the often pre-Industrial Revolution business methods of many publishers are indeed at fault. But more likely the absence of books and ads in Des Moines is due to cold financial calculation. The bookseller, who must choose among 30,000 titles a year, was certain the book, due to mixed reviews, was a loser. Though he didn't want to embarrass the author with the admission, he in fact never ordered the book. Or perhaps the bookseller *did* order. But the publisher, certain from the reviews that the book would not sell and unwilling to pay for another printing to meet the limited remaining demand, never filled the order. Perhaps the publisher did have some books on hand but air freighting a few dozen books to Des Moines on the off chance the writer might stir up some interest had not seemed worth the expense, especially since the publisher had just signed an attractive reprint contract with a paperback house which would permit him to recoup his investment.

The whole publicity tour may well have been, in reality, just an ego trip to compensate the author for his commercial failure. For the publisher knows there is no way the author can really understand how two years of arduous writing can collapse as abruptly as a bad-after-taste toothpaste in a local test market. "He looks at his book like a mother at her child," says Seymour Turk, president of Simon & Schuster. "The kid may be terrible, but she says it's her darling baby. It can do no wrong. But the author doesn't have to worry about the economics of publishing. This company isn't on the public dole. We're not a non-profit organization. We have to make money." The days of the famous (if somewhat apocryphal) gentleman publisher altruistically providing succor from his inheritance to struggling poets are gone forever.

Chris Welles, a freelance writer specializing in business and finance, is working on a book about Wall Street.

"There is no way the author can understand how two years of writing can collapse as abruptly as a bad-after-taste toothpaste in a local test market."

The current skirmishing over promotion and distribution are in fact surface manifestations of a much more fundamental development in the author vs. publisher class struggle, one which impacts squarely on the writer's traditional role as a mere player in an economic drama staged and produced by the publisher. The issue is money and, in a broader sense, control. "What you're seeing now," says an editor at a major publishing house, "is the beginning of writers questioning the basic premises on the way money is divided up in the publishing business. Let's face it. Writers just don't get as much as they deserve. I mean, they write the book. It's their product. Maybe we do some editing, but basically we're just distributors."

The principal spurs to this challenge are the highly-publicized advances and guarantees—arrived at during fast-moving telephone auctions—that paperback houses have been offering for the reprint rights for best-selling hardcover books, which has replaced movie rights as the major source of subsidiary rights money. Some recent reported examples: *Jonathan Livingston Seagull*, \$1.1 million (the record), *I'm O.K.—You're O.K.*, \$1 million, *The Best and the Brightest*, \$700,000, *Love and Will*, \$500,000, *The Taking of Pelham One Two Three*, \$500,000, *Honor Thy Father*, \$450,000, *The Assassins*, \$425,000.

Hard after this money have been the big-name authors who have employed their bargaining muscle to violate the long sacrosanct 50-50 split between the author and his hardcover publisher of the reprint money. Now 60-40 or 70-30 is the rule for any author with a "track record," as the industry puts it. Some, such as Jacqueline Susann and Philip Roth, get all of the reprint guarantee. But much more significant than the split, these authors have in the process taken virtually complete financial control of their product. In a very real sense, it is they who hire the publisher, not the other way around.

The power, affluence, and attendant publicity now accruing to big-name authors has stirred considerable resentment and envy among the thousands of other authors who labor in the jackpotless obscurity once accepted as the inevitable lot of almost all professional writers. "Most of my clients were happy enough with whatever I could get for them," says one agent, "and if they couldn't live on the money, they'd go out and teach or something

like that. I mean they were at least getting their stuff published. Now all a lot of them can talk about is royalties and book clubs and foreign rights. If Richard Bach is making millions off of seagull fantasies they can't understand why I can't get them more than \$2,500 for a definitive analysis of the future of higher education which they've spent four years on."

Writers are no longer garret laborers, either. The mysterious-recluse style of J.D. Salinger and Thomas Pynchon has given way to the media-star style of Norman Mailer, Truman Capote, Tom Wolfe, Gay Talese, and Jimmy Breslin. Immediate seating by Elaine and the ability to squeeze an extra \$50,000 from a publisher are seen as closely related; indeed, one seems to flow directly from the other. Equally influential have been the armies of agents, accountants, and lawyers the big money has attracted. They carefully cull the ranks of authors as yet undiscovered by the media and alert likely candidates for stardom to their rightful claim to more control and a bigger slice of the publishers' bountiful profits. We are witnessing, in short, the classic uppitness of an oppressed class bestirred by a swiftly rising level of expectations.

Unfortunately, it is not very likely that these expectations will soon be satisfied. For due to the tumultuous economic effects of the paperback phenomenon, the rich authors in true Marxist fashion will almost certainly continue to get richer and more powerful while the poor authors, though they probably won't get any poorer, will still see very little if any of the big money.

The reasons are several, many relating to the concern of paperback publishers for the "blockbuster," the big seller. While some hardcover books reach mass audiences in the millions, a relatively small number of hardcover readers account for the bulk of the sales. These readers tend to be selective buyers. They are well-informed, read book reviews, and are usually quite willing to buy a well-received book on a difficult subject by a new author. The typical paperback reaches a new larger audience (ten times as large on average) which tends to be less well-informed and much more likely to buy on impulse, to respond to current fads and big-name authors writing on hot subjects, and to be susceptible to mass promotion.

Many softcover publishers readily admit that their basic strategy is to pay very large sums (\$100,000 and up) to get potential blockbusters and very small sums (\$2,500 to \$5,000) for almost everything else. "The middle-level book is the most dangerous in terms of profits," explains Marc Jaffe, editorial director of Bantam, the most successful paperback house (see following article). "There is a greater chance of failure as against the money you put into it." The blockbuster has much pre-sold appeal—typically it headed best-seller lists and was widely promoted by the hardcover publisher—that the middle-level book lacks. The low-level book costs so little that the gamble on the chance it will take off is worthwhile. Too many middle books reduce the amounts you can afford to bid on the blockbusters and to spend on a large number of low-cost ventures.

The blockbuster mania is well illustrated by those paperback houses recently acquired by large conglomerates, which already own many hardcover publishers. Anxious to cash in on the paperback boom, they are eagerly giving their new subsidiaries the resources to play in the big auctions.

(continued on page 12)

Promoting 'Future Shock'

BY GERALD WALKER

In the summer of 1970, Oscar Dystel, the president of Bantam Books, was taking the shuttle to Washington. He'd parked his car in the LaGuardia lot and was waiting in one of those little sheds for the bus to take him to the terminal. "In the shed with me," he recalled recently, "was a handsome, bright-looking executive with a hardcover copy of *Future Shock*. Not only that, he was reading it right there in the shed. I was very impressed with that. And the title was extremely intriguing. We react to titles, I have to confess. If it had been called, *The Future of The World*, I don't know if we'd have been interested."

To date, Bantam has sold more than 3,650,000 copies of *Future Shock* at \$1.95 each. A popularized rendering by Alvin Toffler of futurist predictions about the threat and promise of swiftly shifting technologies, *Future Shock* is no beach book. Unlike the Bantam sex-sellers of Jacqueline Susann or Dr. David Reuben, Toffler's work actually requires reading. Consequently, the way Bantam went after it, acquired it and merchandised the hell out of it offers a telling case history of paperback publishing in the U.S. today, a phenomenon that is more and more giving the book industry its own case of future shock.

Not long after Dystel's airport revelation, Marc Jaffe, Bantam's editorial director, attended the Frankfurt Book Fair and noted *Future Shock* banners strung across the Allée by the book's German publisher. "I'd decided early on that it was a book we wanted and kept after Jim [James Silberman, editor-in-chief at Random House, which published the hardcover version]," says Jaffe. "The way so many of these things develop, you begin to pick up echoes within the industry. Talk is created both purposefully or out of sheer natural enthusiasm. And, of course, Alvin was very active, speaking on the radio, TV, lecturing everywhere. I recollect making an offer of \$50,000 in the early summer of 1970, when the book was published, but Random House turned it down."

In September, Toffler, who had also been to Frankfurt, arrived in London to find a wire reading: "CALL HOME NIXON COMMENTS FUTURE SHOCK." Calling, he learned about a Hugh Sidey column in *Life* reporting that the President had given the book as assigned reading to his Science Advisory Committee along with a request for their reactions and recommendations. The next day, Jaffe, passing through London on his way to New York, called to say that he hoped Toffler would favor a sale to Bantam. Toffler recalls saying that he thought he would, adding, "By the way, have you heard that Nixon has just commented on *Future Shock*?" Jaffe replied, "Jesus, that's going to cost me more money!" Quite a lot more, as it turned out.

As Random House's Jim Silberman remembers it, "Five paperback houses other than Bantam were actively bidding. Four were seriously interested. One bid lower than another Bantam offer of \$75,000 that we turned down on July 30, and soon dropped out. As almost always happens, it got down to two people [Bantam and Fawcett, the latter in the person of Leona Nevler, who is also Mrs. Jim Silberman]. We had paid Toffler an advance of

"Jesus, that's going to cost me more money!" said Bantam's Marc Jaffe when he heard that Nixon had endorsed Toffler's book. Quite a lot more, as it turned out.

\$15,000 and we started with a comparatively small first printing of 15,000 at the end of July, which is no time to publish a best seller. It was practically unreviewed in *The New York Times Book Review*, getting one sentence in a review of four books.

"Al did TV, the book began to sell. We waited eight weeks to sell the rights, by which time sales had reached 33,000. In early October, the book got onto the *Times* best-seller list for the first time and none of us knew how long it would stay on. We sold to Bantam for \$260,000 on October 9. A lot of publishers would have said 'Let's sell it' much earlier, but we find we do better waiting. Marc's \$75,000 offer would have made us home. The opportunity to be raped was offered to us. Instead, we spent money on promotion and sending Al around the country and got *Future Shock* to the point where it was not just a book but—I hate to use the word—a property. Our being willing to wait made the paperback obviously more valuable."

Ultimately, *Future Shock*, priced at \$8.95, sold 196,000 copies, staying on the best-seller list for 46 weeks. "Random House didn't know what it had there," according to Ron Busch, Bantam's vice president for marketing and corporate development and an early champion of the book at his company. "If Random House had waited a couple more months," says Jaffe, "the paperback advance would have been much higher. After we bought it, we began watching the course of the hardcover and felt very satisfied with ourselves."

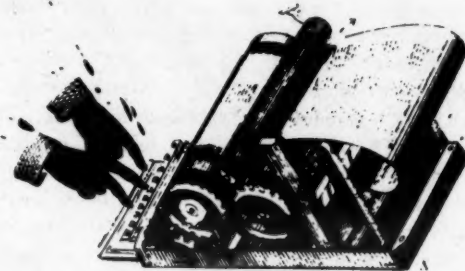
There was one other jagged point of interest to the paperback sale of *Future Shock*. Reportedly, the Random House rights person—not Silberman—handling the actual auction did not call Fawcett's Leona Nevler back as he had said he would, to give her the chance to make a topping offer, which she was prepared to do. Apprised of this when interviewed for this article, Silberman evinced surprise, saying, "I don't know whether the guy who was selling it closed too fast or not." Toffler, hearing all this for the first time as well, exclaimed recently, "My God, Jim and Leona really don't talk shop at home."

To protect its quarter-of-a-million dollar investment (split, according to Toffler, "better than 50-50" between himself and Random House), Bantam geared up its "Super-Release" machinery, first

developed in 1967 for La Susann's *The Valley of the Dolls*. With paperback publishers churning out 500 new titles a month, the Super Release concept is designed to break BIG BOOKS out of what Esther Margolis, vice president for publicity and public relations, calls "the monthly bag of tricks—mysteries, romances, etc." These lead titles, which can boost the sales of the rest of the line 15 per cent or more in a given month, are shipped and promoted separately from the rest of the month's releases. Special display materials are designed for that book alone—so-called "dump" cartons which open up into a display case for the books shipped in them; stickers and window streamers; invoice envelopes imprinted with the title and logo of the book; billboards; bus cards; the sky is the limit and, on occasion, Bantam has used skywriting. It is a distribution technique reserved for what Margolis calls "monster books," those with a first printing of three-quarter-of-a-million copies on up. "In the last couple of years," she says, "we've used it more frequently, eight or nine times last year, and eight or nine this year."

At a scheduling conference in the fall of 1970, usually held eight months to a year-and-a-half before publication, Bantam decided to publish *Future Shock* in August, 1971, one month after the recently acquired *The Greening of America*. This was followed a week later by a final scheduling meeting ("Final," says E. R. Little, Jr., Bantam's vice president in charge of production, "is in quotes") which decided on pricing (\$1.95) and paging (561 against the hardcover's 505). "You may ask," offers Little, "why we don't just photograph the hardcover and reduce it. The shape of a hardcover does not lend itself to our shape which, trimmed, is 4¼" by 7" and is more 'Slim Jim'."

"Why did we pick \$1.95?" asks Arthur F. May, executive vice president of Bantam. "To some extent, it's feel. But where there's a big advance, pricing is the way to get it back. When we bid, my department prepares a projected profit and loss statement, based on various levels of sale. An unimportant title we figure at 150,000. We might



Gerald Walker is an editor of *The New York Times Magazine* and the author of *Cruising*, a novel.

make calculations at two or three cover prices, and several guarantees [price to author]."

Bantam's p&l statements, which Marc Jaffe calls "the guts of the business," have lines for the estimated "draw" (number of copies allotted to magazine wholesalers through Select Magazines, a national distributor servicing 750 major wholesalers), manufacturing quantity (which includes the "draw," estimate of copies to be sold direct by Bantam's own sales force), and "overprint" (which on a big book is usually 150,000 to 250,000 extra copies), and unit cost (one May pulled at random showed this to be 10.56¢ each for a run of 150,000 copies; 12.7¢ each for a 25,000-copy reprint order; the book had a cover price of \$1.25). Plant costs, including lightweight rubber plates, are covered by the first printing. To total manufacturing cost, estimated returns and guarantee are added, leading to the hallowed bottom line—net sales.

"Manufacturing costs—printing and paper—are fixed," May explains, "but rights payments are variable, and therefore critical. We're not the big spenders. We lose a lot of books because we won't pay the outrageous prices, but we do better coming in second. Having acquired the book, the accounting department re-does the p&l, using the actual guarantee. On *Future Shock*, the first printing was 900,000 for the U.S. plus 100,000 for Canada. There were 18 subsequent printings, the smallest for the U.S. being 50,000, while the largest was 250,000. Returns seem to be under five per cent—unbelievable; 10 per cent is typical on a best seller.

"Why not do a half-million and just forget it for a year? It's easy to print books and put them in the warehouse, but it's expensive. After the initial shipments are sent out by truck, we use a great deal of air shipping because we only have one warehouse, in Des Plaines, outside Chicago. Our competitors use satellite warehouses in New Jersey, Brooklyn, Nevada, or California. We don't believe in it. That requires a dual and triple inventory. It's wasteful of books, which are never where you want them; it's wasteful of shipping and printing, too, and harder to fill orders, because you have to split-ship. You can't have all titles in every warehouse. If the West Coast needs books, we send 5,000 copies air freight and they have them the next day. With our computerized invoicing and inventory control, we could

probably run a daily plane into New York cheaper than a competitor could run a warehouse here."

After the scheduling meeting and the paging-pricing meeting ("We have meetings," mock-groans Direct Sales Vice President Stan Reisner, "to decide when we have meetings"), came the all-important cover conference, at which it was decided to go with one that echoed the Random House cover—white background, computer type, light-yellow bars of color. Art director Len Leone (also a vice president) began work on the design. The managing editor started getting the interior text in shape, taking account of author's changes and updating, for the production department to spec type and order paper. Promotion and Advertising Vice President Fred Klein's staff began drafting blurb copy and thinking about point-of-sale materials. Publicity began scheming its schemes. By all appearances, the course of *Future Shock* had been set. That it did not remain so says much about the hang-loose way Bantam operates, and the personality of the author.

In Al Toffler, Bantam got an author who matched them in resourcefulness and energy. He had put in his years at *Fortune* and he'd been through the scramble of magazine freelancing, managing to survive both with his sense of purpose and sense of humor intact. In 1964, St. Martin's published his first book, *The Culture Consumers*, a serious, up-beat study of art and affluence in this country (in which he noted that although hardcover trade book sales increased 62 per cent between 1952 and 1960, "The really spectacular change came in the quality paperback category. Here sales leaped 788 per cent...").

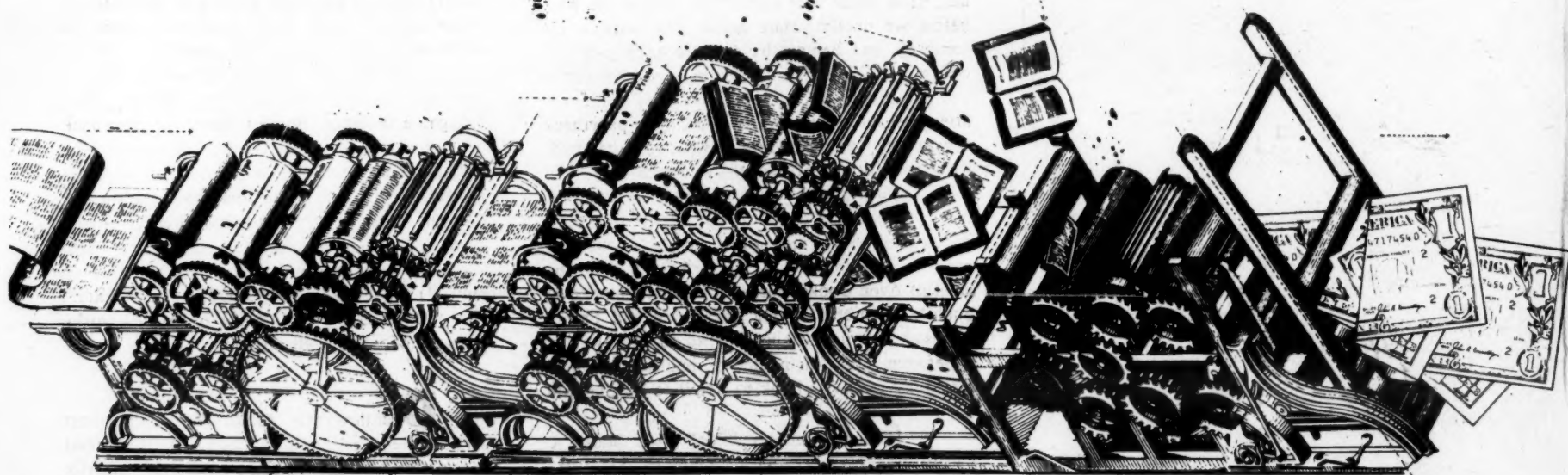
"After we acquired *Future Shock*," recalls Lou Satz, vice president and sales director, who in addition to overseeing Bantam's entire sales operation also deals directly with Select Magazines, "I received a phone call from Al saying he wanted to meet with me. That was not unusual. We're a very integrated operation. Marc knows every member of the sales force, and I know many authors well. We had lunch at the Ground Floor and it was the beginning of a rare sales director-author relationship. Al said, 'I want to be involved. I hear you have a good organization and I want to be part of it. Ask me to do anything. In return, I just want you to level with me.' He took out a pad and pen and said,

"You mind if I make some notes?" He asked about our distribution system, our T.O., what to expect from the various elements of the market whom he'd be dealing with. He took a lot of notes. I made a mental note: I like this guy and I'm going to give it everything. I suggested a pattern and he leaped at it. I said we'd meet individually with the marketing people, the national distributors. There were no less than five or six of these special meetings. He addressed our sales conference in December. There wasn't anybody he didn't turn on or wasn't turned on by."

Publicity Director Margolis found Toffler "very organized," too. "He gave us a list of the schools using the hardcover as a text," she recalls. "Also, businesses that had bought it in bulk for their executives. He kept us informed of his lecture and media appearances, so we could get books to where he'd be. There was an Alvin Toffler calendar on the bulletin board near my secretary's desk. At the end of 1971, Al was lecturing one week a month. He did a piece for *McCall's* and a [*New York Times*] Op-Ed piece. Six weeks ahead of his appearances, we'd send a 'media Flash' to the sales force in the areas involved. He gave us memos on the hardcover reviews, *already excerpted*. He sent us clips on the hardcover book and religion, business, etc. He gave us the names of people who were already turned on by the book. Export Manager Allun Davies alerted export wholesalers to Al's foreign travel. He's been very good at offering his time to consult with various departments. A very thorough guy."

Lou Satz remembers Thanksgiving Day of 1971 as typifying Toffler's promotional effort: "Al did one of the most logistical stunts I ever heard of. At lunch, he was the keynote speaker for the National Council for Teachers of English in Las Vegas. I'm sure he never ate his ice cream at lunch. Gloria Steinberg, our manager of school and college marketing, who was with him, had a limousine waiting to take them to the airport for the last available plane to Denver, where he was the keynote speaker for the National Council for Social Studies at dinner. And then there was a party for him afterward. It was like running for President and Al loved it. We were so proud of him. His energy and enthusiasm were fantastic."

But you can't only judge a book by its



author. There is also the cover, which Esther Margolis calls "one of the most important concerns for the marketing of a paperback." Six weeks before publication, when Bantam actually had engraver's proofs on Art Director Leone's white-background cover, Ron Busch had lingering doubts about it. Busch had originally favored a yellow cover, which his fellow cover-conferrees had rejected because they felt it cheapened the book somehow. Nevertheless, Busch went ahead on his own and had a yellow cover dummied up. He called Lou Satz into his office, where there was a rack of paperbacks, including the yellow and white dummies. The yellow stood out boldly.

"You son-of-a-bitch," said Satz, "don't you ever quit?"

"What do you think?" asked Busch.

"Yours is better," Satz said.

"Let's see Oscar," Busch replied, gathering up the two dummies. When they went to Dystel's office and he saw what Busch was holding, he said, "You sons-of-bitches, aren't you ever satisfied?"

"I told Oscar," Busch recalls, "there's a sea of white covers out there now. And Oscar, after calling in Len Leone and some of the others, said, 'What are you guys gonna want? Six covers?'"

Someone remembers Leone saying, "What's wrong with that?" And so *Future Shock* came out in equal runs of six different colors—white, yellow, blue, pink, green, and tangerine.

At first, according to Busch, "Al wasn't crazy about it. He said we were giving the people 'overchoice,' which he wrote about in the book [calling it 'a paralyzing surfeit' of options; 'choice, rather than freeing the individual, becomes so complex, difficult and costly, that it turns into its opposite']."

But the market was anything but paralyzed. Paperback outlets set up multiple displays, dear to any salesman's heart. The six covers generated additional publicity, getting three minutes on the "Today" show. ("Without me," Toffler joked recently.) And the book sold and sold. It has sold strongly in schools and on campuses, thanks to a study guide to *Future Shock*, prepared by Jerome Agel for Gloria Steinberg's department, of which 70,000 copies have now been given away. In 1971, sales were 90 per cent in mass-market outlets, 10 per cent to schools; today, 70-80 per cent is in

schools. *Future Shock* has won an active place in Bantam's backlist of 1,400 titles, going back to press in March for another 200,000 copies.

To carry out its Super Release strategy and the rest of its burgeoning business, Bantam employs 475 people, including 28 in editorial, eight in publicity, eight in promotion, five in its lecture bureau, 10 in production and approximately 60 salesmen (plus another 60 outside salesmen who work for Select Magazines). This hardly bantam staff now manages to sell more than 100 million copies of the company's 300 titles through more than 100,000 outlets annually. Net sales last year totaled \$54,729,000, up from \$46,890,000 the year before. The rate of returns on Bantam's fully-returnable product has been reduced, according to a 1971 study of the Association of American Publishers, to the lowest in the business—27 per cent of copies shipped (the high is 55 per cent). Not surprisingly, according to the study, Bantam's profits are the highest—22 per cent before taxes.

"Individually," says one literary agent with a list of blue-chip clients, "Bantam editors have wild and imaginative heads. They're gentlemanly and they don't fool around. If they want something, they're very clever about getting it. They're intensely cool. Marc is straightforward, and you don't dread doing business with him. [Associate Editorial Director] Allan Barnard hasn't missed any cocktail party I've known about. They're in touch and writers tend to trust Bantam's reactions to future projects. If Bantam isn't interested, the book often isn't written."

The cumulative effect of Bantam and other paperback publishers playing this dual role of literary midwife-abortionist has not, of course, been altogether salutary. "Paperbacks have kicked the shit out of the fiction market," grumbled one paperback editor with an interest in novels. "I was told recently that less than five per cent of the hardcovers sold in bookstores now are fiction." As another paperback editor formulated it, "The competition for the 150 to 175 pockets in the average paperback outlet puts a heavy premium on best sellers."

Not only writers, but hardcover publishers turn to Bantam and other paperback companies for "support," which can mean advice or the naming of a dollar figure for the paperback rights. "We call up Marc," said a hardcover editor with offices east of Fifth, where Bantam is, "before we sign a book and ask, 'How much is it worth?' We look to the West before we publish. Marc decides the price at his company, and Bantam has until recently paid top dollar. We'll say to Marc, 'You give me some advice and I'll give you last doubt [bid].' If Bantam is interested and offers, say, \$50,000, other paperback companies, previously uninterested, get interested. We sell 60 per cent of our titles to Bantam."

Increasingly, there appears growing agreement among writers, editors and agents that most hardcover houses are, quite simply, scouts for paperback publishers. As Peter Mayer, editor-in-chief of Avon Books, puts it: "The great hardcover publishers—Knopf, Viking, Atheneum and Farrar, Straus and Giroux—will continue to do well. It's that in-between kind of hardcover publishing, where they only publish a book to flog it to us, that will not survive."

Hardcover houses "flog" their books to paperback houses, because, according to an industry survey, for every hardcover sales dollar, expenses come to \$1.03. The average subsidiary rights sale brings in eleven cents, putting the hardcover publisher eight cents in the black before taxes, four cents after. Armed with this kind of financial

Expurgation?

Sometime before this summer, National General Corporation, which now owns 90 per cent of Bantam's outstanding stock (Bantam is the only publicly-held paperback company), is expected to complete the transfer of 43 per cent of National General stock to the American Financial Corporation of Cincinnati. Chief legal counsel of AFC is Charles H. Keating, founder of a nationwide campaign called Citizens for Decent Literature.

"I was deeply concerned when I learned that Keating was AFC's legal counsel," says Bantam president Oscar Dystel. "His was the only dissenting opinion by a member of the Federal Commission on Obscenity and Pornography, whose report Bantam published and which I studied with great care." Keating, in fact, unsuccessfully tried to obtain a court order banning the report, which had previously been disowned by President Nixon, of whom Keating is an ardent supporter.

"As a result of my concern," says Dystel, "at a breakfast meeting with Mr. Keating, I told him I wanted to make several things clear: One, as Bantam has always operated independently of its parent companies, that this policy would continue. Two, that I would have control of Bantam's board of directors. And three, that there would be no interference with Bantam's operations editorially or in any other way. And Charles said that he had no problem with that. In the meantime, I have had many pleasant conversations with him and he has been very complimentary about our list. He also told me he is no longer chairman of Citizens for Decent Literature, or connected with it in any way."

Buyers, of course, always reassure the bought before the fact. Nobody who knows Keating's passion for the pure, however, is begging that he won't at least try, once the deal is closed, to pluck a few of the Bantam rooster's bolder feathers.

—G.W.

power, the paperback houses have not hesitated to throw their weight around, publishing more mass-market originals and often locking up all rights to a major author's next book (and sub-licensing to whichever hardcover house they please).

All this, of course, is a mixed blessing for authors. For the few, like Alvin Toffler, it has brought a bonanza. But for most, the paperback revolutionaries have made getting published—or, if published, distributed—much harder (see preceding article). In the face of all this paperback success, one can fairly ask: Couldn't the softcover houses, even if they have stockholders, drop their profit margin one percent and bring out books that might only (!) sell 50,000 or 100,000 copies? Couldn't one of them add a quality line of original works, perhaps under a separate imprint?

Doubtless they could. But for the most part they seem prepared to follow the path of least imagination and highest sales, a road only slightly hyperbolized by Bantam's Ron Busch when he observed that big-time paperback houses are in "the only business where you can publish 300 books a year and mishandle 298 of them and still make a lot of money."



Mania...

continued from page 8

Much of Bantam's emergence as the predominant firm has occurred since its acquisition in 1968 by National General, whose major business is insurance and theaters. Executives at Popular Library, now a division of CBS, have complained that in its zeal to boost Popular Library's image CBS is pushing much more cash on them than they can sensibly use. "I've got \$3 million I've got to spend before the end of the year," one paperback publisher said, "and I don't know what the hell I'm going to do with it." After being acquired by Warner Communications, Paperback Library, which rarely bid more than \$25,000 for any property, paid \$700,001 for Robert Crichton's novel, *The Camerons*. The extra dollar was reportedly added so the publisher could claim the highest price ever paid for the paperback rights to a novel, a gesture Crichton terms "show-boating."

Some of the older firms are scornful of the new money being thrown around by the "Johnnie-come-latelies." One says the bidding on *The Camerons* was all among the conglomerate subs at the higher stages and that the older houses, who regard the price as exorbitant, had long since dropped out. Whatever the case, the increased number of well-heeled bidders has raised the stakes, as well as the risks, and markedly increased the preoccupation with big books and big names.

The effect of these trends on old-line hardcover houses has been considerable. As they see it, they are the industry's venture capitalists who must take most of the risks. They must commit their money on intangibles, the author's reputation and his book suggestion. Later, they must do most of the work, putting the manuscript into publishable form, devising methods to promote it, and, they hope, making it a best seller. The paperback houses, meanwhile, merely sit back and snatch the best properties which have already proven themselves. Paperback men claim, though, that the huge advances they must pay subject them to ever greater risk. In any event, hardcover publishers are retaliating by forcing paperback houses to accept some of the initial risks. They are auctioning off softcover rights even before the hardcover book is published. Fawcett recently paid \$625,000 for Thomas Tryon's new novel which is still in the galley stage.

The hardcover publisher, who thus becomes little more than a broker between the author and the paperback house, may well put only a token effort in pushing the hardcover edition. "They often just take their reprint money and run like a thief," says an agent. It is to prevent this ploy, of course, that agents are demanding a bigger slice of the reprint money. Yet because paperback editions are rarely reviewed, the ephemeral life of the hardcover edition may injure the writer's opportunity to get reviewed and noticed by the more literary hardcover audience which is crucial to his attempts to build a reputation.

Even more ominous, the hardcover publisher is increasingly being cut out of the action altogether. Traditionally, the more serious hardcover houses have taken the chance of publishing the first books of unknown writers in hopes that their later books, and the lucrative reprint sales, will yield sufficient profits to subsidize new gambles on first books. But the lure of big money to once loyal writers and their aggressive agents is destroying this

system. The hardcover houses either must relinquish most or all of the reprint money as soon as their authors become hot or lose the authors altogether to one of the blockbuster-oriented firms. Small publishers, of course, have always faced this risk from larger houses. But these days agents are taking deals directly to the paperback houses, now the biggest money sources. The paperback firm makes the deal and then sells off the hardcover rights, thus forcing the hardcover publisher to bid for hardcover rights alone. When Farrar, Straus and Giroux, his long-time publisher, refused to give James Mills, author of *Report to the Commissioner*, 100 percent of the softcover rights to his next as yet unwritten novel, Mills made a \$400,000 combined hard and soft deal with Pocket Books, a subsidiary of Simon & Schuster. Philip Roth left Random House and Irving Wallace and Jacqueline Susann left Simon & Schuster—all made deals with Bantam—for the same reason. Wallace's four-book deal with Bantam guarantees him \$2.5 million.

The inescapably superior economics of paperback publishing vs. hardcover publishing will almost certainly reduce the influence of those publishers and editors who built their careers on serious hardcover books, who care about books first and profits second, and increase the power of the business-oriented executives who run the new paperback empires, who tend to care about profits first and books second. It would be grossly unfair to accuse all paperback publishers of being unprincipled purveyors of schlock devoid of concern for serious literature. But it is undeniable that in the present blockbuster and mass market-oriented environment which they have helped foster, where the big names monopolize most of the publishers' resources, life is much more hazardous than it once was for the unknown writer anxious to pursue a new idea, "whose work goes where his mind goes," one editor put it, "not necessarily where the market goes." As one paperback man admits, "We like to stick with the most visible properties."

Among those most concerned with this problem is the 3,700-member Authors Guild, which has established a foundation headed by Saul Bellow to conduct a major year-long study supervised by New York University journalism professor John Tebbel on the publishing industry from the author's point of view. "Writing a book is a luxury for most people," says Guild president Herbert Mitgang, a member of *The New York Times'* editorial board. "There are only a few hundred authors in the Guild who are able to earn their living solely from writing books. The rest teach history, do book reviews, lecture, or marry rich wives in order to sustain their narcotic habit of trying to write serious books. We want to find out how we can create a profession with a middle class, where a larger number of creative writers can support themselves just from writing without hustling around and accepting all of the other little compromises."

The study will range into many areas, such as the possible repressive influence of conglomerate takeovers. But ultimately Mitgang hopes to come up with a list of minimum standards which all publishers will accept in dealing with authors. Last fall, the Guild released a "recommended" Trade Book Contract which, among other things, would increase the author's control over his work and its merchandising and his share of the subsidiary rights. "If I had my way," Mitgang says, "the recommended contract would be the contract." He hints of forcing acceptance of new standards by some kind of action centered around the Guild's best-selling writers. Presumably, Guild authors would threaten to boycott publishers who refused to comply.

The success of such a boycott, though, seems doubtful. Even assuming the Guild's big-money writers could be persuaded to turn down lucrative contracts, professional writers still account for too small a fraction of the books being published. What could the Guild do about Richard Bach, Thomas Harris, Robert C. Atkins, Carlos Castaneda, and Nena and George O'Neill, just to pick a few names from last year's best-seller list? "There will always be plenty of authors who will tell the Guild to go fuck itself," says Roger Straus of Farrar, Straus and Giroux. "There is a world of people out there scribbling away. The chance of success of anything like that is so inconceivable I don't even think about it." Straus suggests the Guild would do better to become an agent to bargain for the many writers unable to obtain competent representation.

The real breakthrough for the mass of writers who don't qualify for blockbuster status will likely come not from old-fashioned labor actions but rather from the coming gradual disintegration of the present structure of the publishing industry. Just as the big Hollywood studios and recording empires have been broken apart and replaced by independent entrepreneurs, so also are top writers and editors freeing themselves from financial subservience to publishing concerns. Editors such as Richard Seaver and Richard Kluger act as independent packagers selling projects to publishers in return for a cut of the profits. Writers like Herman Wouk and Rod McKuen work on a profit-sharing basis. One best-selling novelist is presently considering selling pieces of his next book to a syndicate of private investors and presenting the package to a publisher who, for a share of the royalties, will promote and distribute it. Initially such deals will be most attractive to the big-name writers desiring total control, just as Paul Newman, Dustin Hoffman, Steve McQueen, Sidney Poitier and Barbra Streisand formed First Artists to liberate themselves from the large movie companies.

Less known writers, though, may soon be represented by writers' cooperatives modeled somewhat after Bookworks, which produced *The Last Whole Earth Catalogue* published and distributed by Random House. As this environment evolves, the major publishing houses will not disappear but their power and standards will more and more be challenged by proliferation of the sort of independent, small, *ad hoc* groups that already account for the creation of most of the country's films, records and stage productions. The result of the competition could be the development of new ways to package, sell and distribute, plus more influence and visibility for writers unable to obtain recognition in the present world of blockbusters.

This trend, as usual, is most clear in California. In the San Francisco area especially publishing is now dominated by a growing number of small, fiercely independent houses and innovative schemes for selling and distributing. Free of New York's blockbuster fixation, publishers there are better able to allow talented writers without big-number track records to obtain quick recognition and retain control over their work.

Many writers who require a large, maternal publishing house attending to their psychic or financial needs may not have a taste for such a dynamic but uncertain system. To get a piece of the action is to get a piece of the risk. But for the writer who desires freedom from a structure that can often inhibit and suppress serious writing, it could be a bright world indeed.

Judge Tyler's New Mature Courtroom

BY JOSEPH RODDY

Now that they drink less, smoke pot, and are afraid to go out nights in New York, a lot of the post-despondents in my play group arrange their days around a little darkness at noon. They stand for bratwursts and birch beer at the Zum Zum of their choice, then head for the first shows at the mid-town art houses. Inside they behold the latest Francois Truffauts and Federico Fellinis, the Luis Bunuels and Ingmar Bergmans, a regimen yielding that enlightenment we all needed to be ready for our first Jerry Gerard.

J.G. is the producer and director whose guiding light has shone upon us "Deep Throat." D.T., as all who count know by now, celebrates an acrobat named Linda Lovelace whose sex life when we meet her in the movie lacks transcendent peaks. So it's off to the analyst with the moustache for diagnosis, consultation, and treatment leading to transcendent peaks. Because of a congenital defect, or an organ misplant, the clitoris of Ms. Lovelace turned up where her tonsils were expected. Whether her tonsils moved on then to where her clitoris should have been is moot. Neither was named in the summons. But that would have been antic and not like the law. This was the law of New York, in what's left of its majesty, robed for a sub-grade comedy.

All those people taking care of us decided some months back that "Deep Throat" was a good case to test the law's worth. The movie that made porn chic had much of its fame made first at Elaine's place, an upper East Side assembly full of writer types, some of them even the mayor's friends. If the film at 49th and Seventh could be closed down by a court action in contempt of Pete Hamill and Mike Nichols, then the crusaders could press south from that beachhead until Times Square itself was retaken.

To get all that going, assistant district attorney William Purcell, a lean and earnest Columbia Law School man, worked up an indictment charging the exhibitors, Mature Enterprises Inc., with promoting obscenity. The trial started just before Christmas last, with the press stirred to coverage by prurient interest masking as concern for the commonweal, the fabric of society, the care of souls, and the rest. Public service that lofty gets results. All over the readership on the morning of December 19, tots with the *New York Times* propped up against cereal boxes were asking their progenitors about the fifteen acts of sexual intercourse including seven acts of fellatio and four of cunnilingus on page 39, column 2.

For the *Times* it required a nudge outward on the boundaries of what's fit to print. But every gain like that brings its loss. Readers who just want all the facts were aware that at least one was withheld. Because the clitoris is not a laughing matter at the *Times*, readers were never told what the tragic flaw in the plot was. Who knows how many proper sorts dropped the kids off at the "Nutcracker" or "Sounder" and then went on down to the New Mature World to find out if the *Post*, the magazines, and whispers on the bus had it right? We know only that the exhibitors there found the last holiday season an enriching one.

There are only two ways to think about hard porn. Either it's just another product on the open market like booze, razor blades or No-Doz; or

Joseph Roddy is a former Look senior editor. He is writing a book about Sol Hurok and the Soviet-American cultural exchange.

"The 'Deep Throat' trial started with the press stirred to coverage by prurient interest masking as concern for the commonweal."



else, like typhus germs, beach radios or orange jello, it cannot be permitted. I lean to the first—the booze group, but with not enough concern to proselytize. I looked for the "Deep Throat" trial to start the legal tests of obscenity on the down slope to absurdity. And that's the trouble with counting on anything anymore.

I have seen "Deep Throat" straight through twice. The first time was the day before the trial when it occurred to me that the law might impound the film five minutes after the case was called and I'd never get to see it. The second time was the next afternoon when Judge Joel J. Tyler moved the trial from the Criminal Court Building at 100 Centre Street to a Loew's screening room at 666 Fifth Avenue where "Deep Throat" became People's Exhibit No. 1. "The only difference between this place and a courtroom is the absence of an American Flag" the judge said after we had just finished watching the fifteen acts of sexual intercourse, including seven of fellatio and four of cunnilingus.

The counting and sorting made its first appearance in the *Times* the next morning under the byline of Paul L. Montgomery. The fifteen-including-seven-and-four formula was taken up by *Newsweek*, *Variety*, the *Times* Sunday magazine, and the *London Observer* and may be as preserved in "Deep Throat" clip files as a mille é tre in the catalog of Don Giovanni. But how had the *Times*

man decided acrobatic joinings for the journal of record? When the beast is three-backed, is that one act or two? And how did he figure the roundelays?

Back downtown in the Criminal Court Building, the trial went on for ten days in a small and shabby room numbered 131-A. EMPLOYEES ONLY was the top line on the door and under it PUBLIC NOT ADMITTED. It was, of course, though it helped to be psychic to find it, and hefty to force the door which jammed. There was a steady hiss of a steam pipe in the courtroom, and in the hallway outside there were pre- and post-trial-dickerings of a few dozen whores and their resplendent pimps. Law students would stop in at Tyler's place for a few minutes, and sometimes a television correspondent. The *Daily News* had a man at the uptown screening and the next few sessions, but he dropped out as distractables will. Montgomery, Anthony Mancini of the *Post* and I were the only regulars the performing cast could count on playing to day after day, the same three peepers at the same old porn house.

The defense had wanted a trial by jury, of course. In Binghamton, N.Y., a jury had refused to ban "Deep Throat," and had instead laughed a lot, according to the defense lawyer telling Judge Tyler all about it. Juries can be counted on to keep up with changing standards was his line of argument. But his motion to impanel twelve of the good and true left among us was denied. "Judges do not live in a vacuum in the society" is what the *Times* quoted as Tyler's reply. The *Post* used that, too, and had the judge go on to say of the magistrate class, "They are subject to all the stimulations that everyone else is." The papers stopped printing him there, but Tyler had gone on about judges. "They are exposed, and do in fact expose themselves, to all the stimulations of society. And to say that a judge is limited in his concepts and his understanding of what has happened in the community is to suggest that he is out of line, deaf, or dumb, either one of them, or all together. And I daresay that you don't know what I expose myself to. So you are again jumping to conclusions. I am quite aware of what is happening to our community and elsewhere. And I have the added advantage of being able to, and having, traveled which may not be true of some people living locally in the city of New York. So I am not completely ignorant, and I am certainly receptive to what happened here and elsewhere. So I don't think you can make that statement with respect to any judge whether it be me or someone else. So I don't subscribe to your statement that a jury is far better qualified in understanding and conceiving what is sexually permissible than a judge would. Otherwise it would have little sense of having anyone sit up here on the bench." O.K.?

Arthur Knight, a film critic for the *Saturday Review* and a professor of film history at the University of Southern California, came across the country as a paid expert witness for the defense. He testified that "Deep Throat" had redeeming social value, did not exceed customary limits on candor, was not sleazy, was witty, had clarity and lacked grain. "It's not character development in the way of Edward Albee or William Shakespeare," he allowed, "but there's a character of some substance on the screen." Tyler wanted to hear more about its social value, and the critic came right back with the claim that he found some in "the idea that the so-called missionary position — " He was on his way to celebrate loving acrobatics when he was cut off. "Missionary position?" Tyler asked the ques-

tion in the accents of a man who never had heard of it, frequent exposures and wide travels notwithstanding.

The *Times* the next day, at its stiffest, explained to its readers that the witness had used a term for the orthodox position in sexual activity that the judge did not understand until it was explained to him. What the *Times* deleted from Montgomery's account was the offending word "missionary" that its copy desk found "too specific," an acceptability test fellatio and cunnilingus passed every day. For the specifics on the missionary position, mystified readers needed Mancini's *Post*, which had Knight, the expert out of the West, explaining "it meant the more customary position of men on top of women."

Purcell had decided at the start to produce no expert witnesses, his legal position then being that a film so ineffably foul speaks for itself. Two days into the trial, however, Purcell decided that expert witnesses might help after all. The first he scurried up was Dr. Ernest van den Haag, one of the all-purpose talkers, blurb-writers and expert testifiers with lines into psychology, philosophy, sociology, religion, a little science and some show business. The doctor, a Dutchman who looks Viennese and may be Peter Sellers, was pained to have his eminence questioned. He is, after all, a fellow of the National Endowment for the Humanities, a faculty member at the New School for Social Research, and a recent lecturer in Cambridge at the Kennedy Institute. On what? asked Herbert Kassner, the defense lawyer, in the cross-examination. Van den Haag could not remember. And did he hold any degrees in psychology? No. Kassner had van den Haag admitting that there are no legal sanctions to keep anyone from declaring himself a practicing psychoanalyst in this state. It went on like that until Tyler asked Kassner to come to the bench. "Look, I know this guy well," the judge began, and the rest was between them.

The last time the witness and judge met, Tyler was hearing the obscenity charges against Al Goldstein's *Screw* magazine and the prosecution came up with Ernest van den Haag then, too. At a *Screw* recess he tried making a date with the defendant's wife. At the "Deep Throat" recess it was reunion time because Goldstein, who was in clown garb more or less, had dropped in to see how his old adversary in grey flannel was doing against the movie which Goldstein, another blurb-writer, had called "the best porn show ever." As self-assured as Bill Buckley and Gore Vidal, they talked between leers and postures about each other's money and girls and press notices, the banter of big achievers brought together by Linda Lovelace. The doctor said he was just back from a lecture in Indianapolis, and lucky the plane managed a landing in New York that morning. "Ernie, the Big Fellow up there must have been on your side," Goldstein told him. "The Big Fellow Up There must have wanted me here to testify" was the doctor's version. The D.A.'s office pays him fifty dollars an hour for witnessing, he told me, with the rates staying the same for pre-trial briefings, research and travel. A thousand a day is his regular fee, he told me after Goldstein had left us. But for a good cause like this one, van den Haag said he takes less. Then he leered at me just as Goldstein had leered at him. So I guess I'm in on some joke now, too.

For a while he was the model expert. "It is my opinion that 'Deep Throat' violates all customary standards as they have been known until now for conduct and behavior and restraint," he answered when Purcell asked him about the legal tests of obscenity. "I cannot see what any possible standards would exclude if they include what this picture presented." It was utterly without redeem-

ing social value, he said, and told why. "To tell a girl who says she has no capacity for orgasm that this is due to a lack of a clitoris, and that this clitoris somehow exists in her throat, and that therefore she performs fellatio, is obviously, automatically, psychologically, and physiologically absurd."

Herbert Kassner, Harvard Law School, baggy suits, baldish, the rumbled sort in the next seat at the porn show, had a few questions. "Is it your position and belief that this plot was seriously conceived?" he asked. Van den Haag answered, "The idea that the movie attempted to convey was altogether serious in my opinion." Now look. A fellow of the National Endowment for the Humanities said exactly that with professional solemnity for the edification of a sitting judge in Criminal Court and the newspaper reporters who never mentioned it in their stories.

And can an obscene performance be a comedy?

"I don't feel competent to answer that," van den Haag said.

Kassner produced then an interview with van den Haag in *U.S. News and World Report* in which he said that almost everything has socially redeeming value and that is the problem with the obscenity law. The Doctor denied that he said that in the interviews. Then he produced a *Times* story published some years back in which van den Haag said love and marriage were incompatible. The Doctor denied that one, too. Other losses followed, then adjournment.

The next day in six short paragraphs at the bottom of page 22, the *Times* led with Judge Tyler's characterization of Kassner's questions as "repetitive" and "irrelevant." The testimony summarized easily: "Dr. van den Haag, a psychoanalyst and professor of social philosophy at New York University, had testified on Thursday that he had viewed the hard-core film, and had found it 'anti-social' and 'without any redeeming social value whatever.' Yesterday Mr. Kassner asked long series of questions apparently trying to explore the grounds on which Dr. van den Haag had made his judgment. Many of his questions were not allowed by the judge."

If Doctor van den Haag was a prosecution expert whose testimony ran down and then out, Dr. Max Levin, the 71-year-old psychiatrist who followed him in the stand hardly got there at all. It was his firm belief that a more suitable place for the material in "Deep Throat" would have been *The Ladies Home Journal*. In Levin's view, more than half of the population is sexually disturbed and some of them seeing the film would conclude that a lot of clitorises were sprouting in throats. That led Kassner to try the Mary Poppins test, but with some difficulty because Levin had not seen the film nor read the book. Kassner told him it was a children's film about a girl who can fly, and Judge Tyler insisted that it was also a film for adults. Levin reflected for a moment before deciding that it was too unrealistic an idea to deceive any viewers into thinking they could fly. Unfortunately, one it had, the judge put in, was his own child who tried taking off from her bed. Which is how life at home with Judge Tyler kept Mary Poppins from being any help to Linda Lovelace.

Earlier in the day, Kassner asked Levin if he had read the paragraph of Freud shown on the screen as a prologue to the film. All of it, he said, which was too bad because nobody else had been able to read any more than the name Freud in large letters on the top as the text under it flashed by at a nearly subliminal clip. "What did it say?" Tyler asked. "Well, it referred to—well, there were three

or four quotations from Freud that I thought—" "What did it say," Tyler asked, "if you can recall?" "The fact is that the type moved up very fast," Levin said. "I would rather have a copy of it." "Alright, let's go on to something else," Tyler said.

They did, but Kassner got him back to the film later for a closing disservice to Levin's fee-payers. Levin, it developed, had arrived at the theater in the middle of the feature but failed to notice where it ended, or even started. On the bill with it were a few stag show shorts which Levin took to be part of "Deep Throat" even though he found them hard to fit into its plot. Their couplings had nothing to do with the case in court, except to discredit an expert witness. Under the *Times*' headline PSYCHIATRIST TESTIFIES THAT 'DEEP THROAT' FILM COULD BE HARMFUL TO NORMAL MAN, Montgomery described Levin's last fall, skipped over his speed reading debacle, but served up an excerpt from his testimony that neatly summed up all of it. "If a man loves his wife," Levin had said, "and begins to have sexual interest in her as bedtime approaches, I wouldn't consider that prurient appeal."

When the power of filmed fantasy to re-locate clitorises was being challenged, I thought the Mary Poppins test might become a recurring one in the court. But instead a few lines from an article by Irving Kristol were to give what remained of the trial its continuity. In his testimony for the defense, the psychoanalyst, Edward J. Hornick, from Albert Einstein College of Medicine in New York, said he saw nothing abnormal in the film for those who felt all the normal impulses to do their love-making in a variety of ways. He was particularly impressed by the film's defense of women's rights to see to their own sexual pleasures, and by its touches of humor which would help dissolve the guilt and shame that he found many still associate with sex.

In his cross-examination of Hornick, Purcell asked him to comment on a passage in an article Kristol wrote for the *Times* Sunday magazine titled, "Pornography, Obscenity and the Case for Censorship." Kristol, Henry Luce Professor of Urban Values at New York University and co-editor of *The Public Interest*, was making the point that when sex is public the viewer cannot see the human sentiments and ideals, and sees only the animal couplings. And that, he held, is why lovers prefer to be alone. Purcell wanted Hornick to allow that it was not guilt or shame but rather sentiments and ideals that made people reluctant to make love in public. Kassner objected to the use of the passage at all, and thought that if Purcell wanted to get Kristol's views into the court record he should introduce him as a witness. On the bench, Tyler overruled Kassner and then put the question to Hornick himself. "If I may practice out of my consulting chambers for just a moment," the psychoanalyst said, "I can only say that obviously Professor Kristol experiences shame or guilt about sex."

"Strike that out," Tyler ordered the stenographer.

Kassner stood to object that Hornick's answer had been completely responsive to the question, and got nowhere. But Tyler decided to try again, and asked Hornick whether he agreed with Kristol. Hornick said he did not. Then Purcell tried again. "Doctor Hornick, I will ask the question. If a person uses the reason described by Professor Kristol for being reluctant to discuss his sexual life, would you find that person guilty or shameful about sex?"

"Not shameful," Hornick answered. "Ashamed."

"Ashamed, you would say?"

"Yes."

"Are you through with Kristol?" Tyler asked then.

Purcell was, until Dr. John Money, the next witness and the trial's last, was sworn in as an expert for the defense. Money, with a doctorate from Harvard, is professor of medical psychology at Johns Hopkins University and president-elect of the Society for the Scientific Study of Sex. After an almost unqualified defense of "Deep Throat" for its usefulness in sex education in medical schools, in some college situations, and sometimes even in high schools, Money was asked if he knew Irving Kristol. "Kristol?" he asked aloud, giving the name a chance. "No."

Purcell said he would read the passage from the *Times* to him, and asked him—carefully now—to agree or disagree with it. Before he could start, Kassner objected as he had before, urging the court to direct Purcell either to leave Kristol out of the discussion, or else bring him to court as a witness.

"There was some kind of concept there," Tyler said as he overruled Kassner, who asked that Purcell express the concept then instead of reading it from an article in the *Times*. Kassner fell back then and Purcell read Kristol to Money, and followed with a request that he agree or disagree with it. Money refused, saying that his answer had to be qualified, but volunteered that tomcats are unable to copulate except in their home territory. Nobody knew why he said that. Purcell objected to the answer to be safe, and wanted it stricken. Kassner objected to Purcell's request, and Kristol seemed to be slipping out of the argument. Minutes later Kassner had him back. "As a psychologist," Kassner asked Money, "what would you say about the position of a person who writes about sex using the words 'animal activity,' 'animal coupling,' 'animal connection' in depicting the human activity of love-making?"

"He has an impoverished sex life of his own," Money answered.

Purcell objected, Kassner said he had no further questions, and Judge Tyler said he didn't hear a word.

The court stenographer read back Money's answer. "Strike it out," Tyler ruled once he had heard a word.

"I think it is eminently proper," Kassner argued. "The question was raised on direct examination. He is qualified to psychoanalyze statements made by people, and it seems quite obvious it leads to that conclusion."

"You will strike it out," Tyler repeated. "It is his own personal opinion."

"That is expert testimony, judge," Kassner noted. "He is qualified as an expert."

"Please be seated," Tyler said. "We are not interested in his determination on his expertise as to what is wrong with Professor Kristol."

The *Times* never mentioned the controversy over Kristol in its coverage of the trial, nor his piece in the Sunday magazine. Maybe it seemed an inside matter, and not worth taking space from Money. Like Hornick before him, Money refused a fee for his testimony. The more the mercenaries (van den Haag and Levin) want "Deep Throat" kept away even from adults, the more the principled sorts (Hornick and Money) want it used to help teach everybody about sex.

Money's convictions, the strongest heard at the trial, stand some distance beyond visionaries in the porn trades. He testified that "Deep Throat" did not appeal to prurient interest. It did not go beyond community standards. And it was not without redeeming social value. It might even reduce the divorce rate. He said it would help spread knowl-

edge children needed. It would help bring out the repressed sexuality of women. And it would help get the inhibitions off men. He thought movies like "Deep Throat" should be accessible if only for the tiny element of picto-philiacs, or picture-freaks, in the neighborhood who find watching them their only sexual activity. "People are allowing pluralistic possibilities for other people's sex lives," Money said, "and they are not trying to force them all down the same runway." He described the film's "cleansing action" on the sex lives of those who saw it, and in a rare and inept burst of metaphor he said "it puts an egg-beater in people's brains."

The trial ended just after the start of the year with Tyler promising a deliberate opinion that it might take long to arrive at. March 1 was the arrival date, and the operators of the New Mature World were sure enough of the verdict to close up with a party the night before the cops came to impound the film. The 35-page verdict was pretty well spent on page 3 where Tyler wrote "the defense 'expert' witnesses were unpersuasive in the main." In it he referred to the *Times* in 11 places to cite reviews, news stories, editorials and even a Sunday magazine piece by Professor Irving Kristol. "This is one throat that deserves to be cut" was the predictable snapper the judge built up to. And the rest was, of course, "I readily perform the operation in finding the defendant guilty as charged."

Montgomery told how it all ended, but as I read his account, clear, fact-packed, cogent, all those estimable things, I had the feeling that a revision was being slipped past me. What was missing, I realized, was my favorite fifteen-including-seven-and-four formula. This time, and with no apologies for mis-countings past, or advisories on how the paper would count twos on ones in movies to come, a new total turned up. It was the same seven on fellatio, the four for cunnilingus, but with them now was an airily tossed-off "half-dozen" other sex acts. So it's up to at least seventeen on the "Deep Throat" sexual intercourse tally sheet at the *Times*. When the case gets through the appellate court, this will need checking at the big drive-in. We must hold on to all that's important in this trial.

Cops...

Continued from page 1

officers had been summoned there for a legitimate reason.

A third incident, the murders of Patrolmen Rocco Laurie, white, Gregory Foster, black, on the Lower East Side, was also followed by a letter of self-commendation from the Black Liberation Army. Again there is that same curious spontaneous quality. The two officers had just left a restaurant to determine ownership of an illegally parked automobile when three black men walked past, then whirled and opened fire.

Whatever the circumstance, four officers were murdered, two others severely injured. It might seem as if a pattern had emerged, or perhaps one could construct one if he desired to make a case. What the pattern-maker requires is something to fill out the grand design, and "Target Blue" sets out to do this.

First comes the need for dimension, numbers. Throughout "Target Blue," the alleged conspirators are tied into the Black Panthers, to wit: "He was believed to be in Algeria with others of the Black Panther leadership who had fled the country while being sought by the police..." "...she did not know any present Black Panther members and yet every name she mentioned was a Panther, and

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nearly every member of the extremist wing of the party had apparently lived in her apartment at one time or another. . . . (How many, six, ten, 50, I mean how many members of the extremist wing are there and how big an apartment did this Bronx woman who made \$125 a week have?) "At the time of his arrest he was in the company of Ronald Carter, a New York City Panther member, and Robert Jackson, brother of Andrew Jackson, also a well known Panther."

Bringing in the Panthers provides a nationwide cachet maybe, but with all of those police and Federal infiltrators into the Panther movement one would expect that the Black Liberation Army, as an off-shoot of the Panthers, would long ago have been exposed. Still, "Target Blue" offers 18 names as participants in the B.L.A. and then drops a B-52 load, "...detectives . . . found—for the first time—evidence suggesting the size of the conspiracy, a list of 400 names broken down into small cells and extending nationwide." Such a directory discovered in the home of a prime suspect obviously holds great potential for leads in a criminal investigation, but as evidence of a conspiracy it's something less. "Target Blue" offers nothing to indicate that the other 382 names in the suspect's home were connected with any crimes, to say nothing of plotted assaults upon the police.

There are other assertions in "Target Blue" that fall short of convincing. "Seedman [New York City Chief of Detectives] remembered the pattern of the San Francisco shooting—a four-day extravaganza of cop killings had been planned there." That's it, a throwaway sentence with nothing to back it up, nothing to indicate how the detective learned of the planned "extravaganza."

Conspiracy claims by the cops have a bad habit of collapsing, particularly under courtroom inspection. Significantly, no indictments for conspiracy have been forthcoming against the "Black Liberation Army," even with that 400-name list broken down into small cells. A top police investigator of the recent assaults upon police—in Perry Mason style, I shall conceal his name until the appropriate moment—has said of the conspiracy theory: "A few dozen guys in different places happen to know each other and share a certain affinity, so one of them sits down at a typewriter and taps out 'B.L.A.'. But in numbers and in administrative structure they don't make it as an army."

"Target Blue" might be dismissed as an imaginative try to create a saleable piece of merchandise were its author not presented as a former Deputy Police Commissioner of New York. The Commissioner, however, was a cop in title only. More precisely, he was a journalist turned flack. And the bill of particulars against the alleged perpetrator, former New York City Deputy Police Commissioner for Public Information Robert Daley, is a fairly extensive one, especially since he occupied his post for such a relatively short time—11 months between May, 1971, and April, 1972. He stands accused of having used his office to write articles for *New York*, using materials not available to newsmen, of jeopardizing the right to a fair trial by publishing items that could prejudice potential jurors, of playing loose with facts, of distorting the true nature of police work, of having used his position for self-glorification if not eventual enrichment.

"He was a fucking propagandist," says Mayor John V. Lindsay's press secretary, Tom Morgan. "Approving his nomination for the job was the worst mistake in character judgment that I made."

"He thought he was a cop, but he was a

civilian," says a high-ranking police official.

"He was an apologist for the Police Department, not a journalist," says attorney William Kunstler, who defended people named in Daley's works.

"On the few occasions that I had to deal with him," says a *New York Post* reporter, "I had a feeling that he was holding back things for himself."

"I found him unhelpful, inaccurate," says David Burnham, one of *The New York Times* reporters who covers the cops.

For the defense, there is Pat Doyle with 28 years of chasing the police for the *Daily News*. "He was one of the best we ever had, damn good. He was available at all times. We got more help from him than anybody else."

"He established a certain amount of rapport, support from the lower ranks in the Department," says a city official.

As in most cases, the accused has something to say in his own defense. The first matter to be clarified is the question of identity. Just who did Bob Daley think he was, and how close to objective reality did the perception come? "I always thought of myself as a policeman," Daley told me. "I had line authority over 32,000 men. They called me sir and did as I told them. That included the highest levels of the department. There was a good deal of obsequiousness; sometimes it appalled me." He considered himself enough of a cop to carry a gun, something neither his predecessors thought nor successor thinks necessary.

Daley came to his "line authority over 32,000 men" and eagerness to carry heat after a reasonably successful career in journalism or its ancillary forms. He began as a public relations man for the New York Football Giants, progressed to European sports correspondent for the *Times*, (he is the son of columnist Arthur Daley), did a tour with the paper in the States. Mixed in were a batch of freelance magazine pieces plus books, including novels. One work of fiction, *Only A Game*, supposedly led a former Giant to remark to an ex-teammate, "That's my life in your body." Then there was a newspaper novel that a *Times* man calls, "Kiss and tell." That Daley's art followed his life should have been obvious to those considering his appointment.

In 1971, Daley had contributed a piece to *New York* on Frank Serpico, the much abused detective whose whistles about corruption had fallen on deaf ears at City Hall. Daley then began work on a study of Police Commissioner Patrick Murphy for *New York*. "One day," relates Daley, "Murphy asked me to come to his office with my resumé. I didn't know what the hell it was all about, but I needed to see him again to finish my piece so I went. We spent about six hours talking." Some weeks later Murphy offered Daley the job of handling information and the *New York* piece did not run, although later Pete Hamill, according to Daley, used some of the material for his *New York* portrait of Murphy.

"When I took the job," Daley says, "Murphy said to me that unless the community supported the police, unless people would come forward to be witnesses, unless juries would believe the police, there was no way to reduce crime. It was my job to win back the people for the police." In pursuit of this goal, Daley served up a mixed bag to the media. Members of the force became more available; in fact they almost became show biz. Chief of Detectives Albert Seedman, who once bore a reputation of extreme reticence, performed at press conferences following the attempted murder

of Mafia don Joseph Colombo, a super-heist at the Hotel Pierre and various assaults upon cops and citizens.

Among the headliners was Daley himself. He could be found speaking out upon prostitution, animals, the murders of policemen, the difficulties of beat patrolmen. Along with interviews of rank and file came disclosures of information not generally available in the past and pronouncements such as the existence of a secret underworld plot to get Joe Colombo, the imminent arrest of those behind the assault, conflicting views on what lay behind the murders of the cops, confused reports on a shooting involving police and residents at a Harlem mosque. "Daley romanticized detective work, and the work of detectives against modern crime conditions is questionable," says *Times* man David Burnham. "I was interested in the serious business of the police, the administration, the policy, the corruption. Under Daley, I found people less accessible to discuss such matters."

Audible grumbling from the press arose over publication in *New York* of a piece by Daley on the stakeout squad. For some time, members of the department had secreted themselves in stores that frequently suffered holdups. Such stakeouts resulted in a number of shootouts and Daley's account dramatized the bloody confrontations sufficiently to entertain readers who dote on cops-and-robbers themes. Some newsmen objected that news ought not to become the property of a member of the department, no matter what post he holds. In the words of Daley's successor, Richard Kellerman, "the job of a public information officer is to be a conduit of information. I don't feel that I have the right to withhold news, to be the author who breaks news."

Daley explains, "When I first heard about the stakeout squad, I said that sounds like a good thing to publicize. I asked the guys in the office to check it out. They came back and said, 'Kill that idea, boss. We'd get accused of racism.' The fact is that a majority of the armed robbers were black. Then there was a meeting at City Hall in which a number of things came up, including the stakeout squad. Lindsay said he didn't see why we shouldn't publicize it."

"I told Murphy that I thought the best idea was for me to write the piece. In that way we could present all of the facts the way we wanted them presented. There wouldn't be a liberal bias about all the blacks getting killed and there wouldn't be a glorification of the killing. I didn't want to give the piece to an outside writer because I had better credentials than any outsider. I had access to information that just couldn't be shown to an outsider. I also did not want to have a writer who might not be able to write it as well as I could, mess it up. And I was pretty sure I could get it placed."

"I dictated the piece to one of our secretaries, showed it to Murphy and after he read it I called Clay Felker [editor of *New York*] who flipped for the idea. The whole idea of the piece was that it would be part of an entire campaign. The trouble with the stakeout squad, I told Murphy, was that it was not working as a deterrent, because nobody knew about it. I suggested that after my piece ran, we hold press conferences to keep the story alive, make public announcements that say, next week stakeout squads will be operating in Brownsville and see if that didn't help cut down armed robberies. Murphy said fine, go ahead."

"I gave the fee for the piece to the New York City Police Foundation; never even got a

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thank you from them, by the way. After the piece came out and some newspapermen protested my writing it, criticism inside the department against me mounted. You have no idea of the infighting that goes on in the department and the Administration. That killed the whole campaign, and kept the stakeout squad from becoming the kind of deterrent it ought to be."

Why the stakeout squad, which still exists, should remain a quiet operation is open to debate. There are those in the official family that feel that it *does* unfairly imply open season on blacks. Others worry that it gives off negative vibrations, show-downs at the O.K. Corral daily in New York. There are also officials who, while criticizing Daley's authorship, consider the *New York* piece a legitimate piece of reportage. News is news and if the emphasis seems misplaced that's the fault of readership taste rather than editorial or police judgment. But what is clear from Daley's explanation is the blur of his identity, the mixture of p.r. man and journalist, not cop and journalist. When a p.r. man successfully passes as an impartial reporter and gets printed or heard verbatim in the media, that's an awesome triumph of his craft.

Shortly after publication of the stakeout squad piece, Daley resigned his post. "We had tried to get him to understand the job, show him what he was doing wrong," insists Tom Morgan. "But he kept right on making the same mistakes." Among them were the unfulfilled public predictions in the Colombo shooting, comments by Daley after the robbery of the Hotel Pierre that described the bandits as "cool," "brilliant" and "absolutely perfect" (praise for those for whom no official praise may be uttered and somewhat misplaced since the "absolutely perfect" operation ended in apprehension within a short span of time), the disclosure that he carried a pistol at a time when the official line was to discourage the proliferation of guns. But what probably doomed his career was his behavior when Patrolmen Foster and Laurie were murdered.

"He waved the bloody shirt," says Morgan, referring to Daley's appearance on TV, holding up the blood-stained garment that belonged to one of the slain officers. "The cops were uptight enough without that to add to the tension. He told stories without substantiation, such as one that had a killer dance in the street. I know of no witness who reported this." The alleged incident is repeated in "Target Blue."

Actually, Daley metamorphosed himself totally into cop with these murders. He arrived at the Ninth Precinct House while witnesses to the shootings waited to be questioned. Because, he says, no senior officer was present, Daley took it upon himself to interrogate these potential witnesses. He then visited the crime scene and, according to "Target Blue," it was with Daley's frame of reference that both Commissioner Murphy and Chief Seedman received their initial briefings. While all of us in the information-gathering trade pride ourselves on our ability to ask brilliant questions, there is some doubt whether that qualifies us to interrogate witnesses to a crime.

It was also admittedly Daley who pushed quickly on the conspiracy angle. He held his own press conference at the Ninth Precinct House where he said, "... Always in the past the police have been quiet about this conspiracy because of fear of accusations of racism. But it isn't the black community that is doing this, it is a few dozen black criminal thugs..."

In "Target Blue" Daley laments, "To date

not one word had been spoken publicly [before his Ninth Precinct House appearance] by anyone describing these cop-killers as part of a nation-wide conspiracy." I now feel somewhat like the student who has suddenly caught teacher making a terrible mistake, because I myself wrote a piece in December, 1971, for the *Times* magazine about the deaths of 10 policemen, and the possibility of a conspiracy was explored with Chief Seedman in the text. "This leads us to believe that some of these cases are the results of organized conspiracy," I quoted him as saying. Perhaps additional evidence changed his mind, for Chief Seedman was the unnamed source above who downgraded the "Black Liberation Army" that Daley had concocted.

After leaving the force, Daley might have been forgotten—at least until "Target Blue." But even before that foray, he created a squall with "The Man Who Shot Rap Brown," which appeared in *New York* last fall. The article is a dramatic version of the chase and capture of the black militant, who was subsequently indicted for having participated in the stickup of a West Side saloon. Most of the material came from interviews with Patrolman Ralph Manna, who found Brown atop an elevator shed on a building roof and wounded him. There was nothing in it that an enterprising reporter could not have obtained, although having been a deputy police commissioner did not make Daley's task tougher.

Following the description of Manna's wounding of Brown, Daley wrote, "The sheriff has won the shootout. The desperado lies at his feet... The stickup man lies at Manna's feet." Heavy going in style, certainly; not the usual snap-crackle-pop prose of *New York*. Still, pretty sticky if you must defend "the desperado" in court. And to Brown's defense lawyer, William Kunstler, the whole thing smacked of a conspiracy to slam his client. Publication came on what would have been the very eve of the trial had not the case been postponed a few months.

Kunstler complains: "Here's a story by a former high-ranking member of the police department [the defense counselor will for the moment grant Daley the identity he seems to crave]. That gives it a credibility it would not have if you or I wrote it. Then the story appears in the one magazine designed to reach the kind of people who are New York County jurors; it reaches more people in New York County than any other of its type. Even though jurors close their eyes, they will still be able to see the picture that ran." Kunstler refers to the creation of artist Peter Caras, which showed a pistol in Rap Brown's hand spitting fire at Manna. In court, ballistics experts testified that the gun carried by Brown had not been discharged. Daley blames the mistake on haste. Because of the artwork and the characterization of Brown, Kunstler filed suit against the author and *New York* on behalf of his client.

The "Target Blue" article was also oddly timed. It hit the newsstands while Richard Moore was on trial, charged with firing the machine gun that maimed the officers who guarded D.A. Hogan. Although "Target Blue" appeared in February, Daley's account fails to note that the first jury to consider the case could not agree on Moore's innocence or guilt and a mistrial was declared early in December, plenty of time to have made *New York's* Feb. 12 issue deadline. "I had to make up my mind to stop somewhere, there are always new developments," explained Daley to me. Yet he was able to include in "Target Blue" incidents that occurred a month after the mistrial.

"Target Blue" went on sale during Moore's second trial. "There were 11 jurors already sworn," says Moore's attorney, Robert J. Bloom, "but the



Bob Daley in action

judge wouldn't even let me ask if any of them had seen Daley's article," which, although no one had been tried, traces the case. After fingering Moore in print, Daley declares, "... the machine gunning had been solved..." Moore ultimately was convicted in this second trial, but however terrible the crime, it would seem premature for a magazine to declare a man guilty before his day in court. Bloom also talks of a suit against *New York* and Daley.

There are other curiosities in "Target Blue" in this connection. Much is made of two typewritten notes from the B.L.A. which Moore wrote and a woman supposedly banged out on "a portable Smith Corona electric typewriter (it was later found by detectives). And another friend, Ila Barnes, had been the one who delivered the letters and the packages." But, at the trial the police said they did not have possession of the typewriter and could only offer an expert opinion that the letters had been done on the same missing machine. And Ila Barnes was not in court either; she was identified only by witnesses from a sketch supplied by police artists.

The star police witness was Pauline Joseph, the woman whose house had so many extremist members of the Panthers tracking through her halls. In court she told of how Moore and several others, but not her common-law husband, Eddie Joseph, had come home boasting of their assault on the two patrolmen. Only after reading "Target Blue" did lawyer Bloom discover that the police didn't find Pauline Joseph; she went to them. And furthermore, in her initial approach, a phone call, she denied that Moore and three other suspects, including Eddie Joseph had done the shooting. The district attorney had never revealed that she had made this telephone call. Pauline Joseph's original call to the police qualifies as exculpatory material (evidence in possession of the prosecution that might help prove the innocence of the accused). Withholding of exculpatory information may be grounds for a reversal of a conviction.

It is Bloom's belief that other statements attributed to Pauline Joseph in "Target Blue" indicate that considerable evidence that was available to Daley was not accessible to the defense. There are other samples of this kind of collusion between writer and law enforcement officials in "Target Blue". There is the alleged confession of a man described as a participant in the Jones-Piagentini murders. While he was in jail, a black street cleaner serving nine months was put in the next cell. Reports "Target Blue," he asked, "Did you kill the pig in New York?" The Suspect answered yes. This kind of material certainly would face a court challenge with attacks on the credibility of the witness, questions on how the street cleaner

came to occupy the neighboring cell, what his relationship to the police was, with the suggestion that he was eligible for a reward if he produced anything worthwhile.

Conceivably, Daley will provide some balance to his *New York* dramatizing when the articles, expanded, come out in *Target Blue*, the book, in June. But Daley does not talk like a man embarked on the difficult task of writing about urban crime and the role of the police. "I wrote about the conspiracy to kill cops," he says, "to convince people that such a conspiracy exists. For years the police had talked about the Mafia but nobody believed in it until the books came out. I wanted to put everything before the public because in some instances the D.A.'s feel the identifications may not stand up in court and there is not enough subsidiary evidence. It is my hope to influence the country at large as to the integrity and credibility of the police department."

Despite Presidential assurances that the ship of state has returned to an even keel, big city crime continues to destroy the quality of life. Serious crime supposedly dropped 18 percent in New York last year. That left well over 400,000

felonies, enough to give pause to anyone who thinks about walking the city streets or unlocking the door when the bell rings. The great civil liberty, the right to go about one's business without fear or robbery, burglary, mugging, assault, rape and murder has been stolen. But the issue gets buried when the focus turns so heavily to attacks on policemen.

Daley's passion to the contrary, there is less for the nation to fear in the murders of a few officers (however terrible the acts may be) than in the rain of assaults upon thousands of anonymous individuals, most of them poor and non-white. Lock up the 100 to 400 members of the Black Liberation Army, if it exists, and the streets of New York will not be much safer for civilians. Nor will it really improve security for cops. The vast majority of men who died in the line of duty have been killed while initiating an action, interrupting a crime, effecting an arrest, intervening in a dispute, attempting to interrogate a suspect. They did not die from some organized conspiracy but from a hostile reaction by a growing crowd that carries death in its pockets and seems willing to gamble against those who are legally capable of lethal reaction. If I were a cop, or a chronicler of their woes, this aspect of the city would frighten me far more than organized revolution.

(LETTERS)

Press Councils

As media members of the National News Council's founding committee, we wish to clarify several misinterpretations about the [Twentieth Century Fund] Task Force report on the Council that appeared in Richard Pollak's article in your February issue.

Contrary to Mr. Pollak's impressions, the Task Force report clearly states that the proposed Council will respect the right of journalists to maintain confidentiality of information and sources. This right is emphasized in the Council's by-laws and rules of procedure, which state that the Council will not request confidential information from journalists, and that it will hold all of its hearings in public and publish all of its findings. It would be difficult for the intent of the Council to be any clearer. The Council will not request or require confidential information—sources, notes and tapes—at any time. If it cannot adequately investigate a complaint without obtaining confidential information, the Council will refuse to hear it.

Mr. Pollak also neglects to mention that a fundamental purpose of the National News Council is to protect the public's interest in a free flow of information. The Task Force believed that in directing its attention at the largest news suppliers, which are responsible for most of the nation's diet of national news, the Council will help preserve that interest.

The Task Force report also pointed out that the British Press Council experience was a useful resource rather than a model for framing the American council. It noted that the media in the two countries are vastly different, which calls for the formation of a completely different institution in this country. Therefore, the Task Force decided that the Council should look at the best and the biggest national organizations and entertain ques-

tions of much broader political, economic and professional issues.

Mr. Pollak agrees that the media are not above being questioned and criticized, and his conclusion leads the reader to believe that at least one high-placed editor is having a hard time affecting internal policies (not to mention how much success a journeyman would have). The Task Force stated that any form of independent revaluation of the media—ombudsmen, local press councils and journalism reviews—is helpful to an institution plagued with internal criticism and public questioning. We trust that Mr. Pollak, as well as other critics, will come to realize that the National News Council can serve to encourage a freer flow of information and to act as an advocate of a vigorous and independent press.

—Barry Bingham, Sr.

Louis Martin

Hodding Carter, 3rd

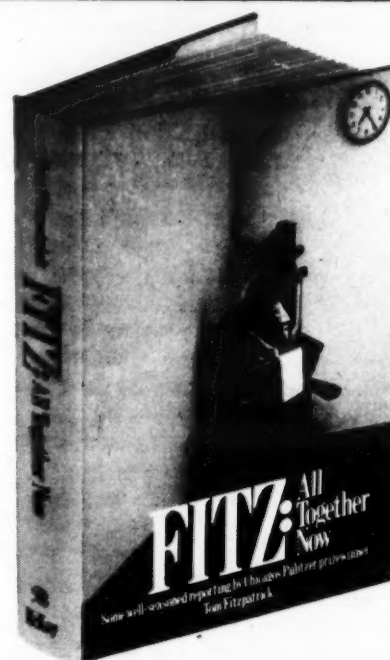
Robert Chandler

Members of the Founding Committee

The National News Council

New York, N.Y.

Richard Pollak replies: If I was in error on the subject of confidentiality, I am happy to have the matter corrected. I wish, though, that after setting the record straight the committee members had gone on to deal with my basic conclusion, which was that the Council idea does nothing to foster serious reform in American journalism. As I wrote, that "can only come from *inside* the profession . . . from a radical redistribution of power that kills once and for all the bankrupt notion that the decision-making process at a news organization is the exclusive preserve of ownership." If I am wrong about this, I am prepared to admit that error, too. But the general silence on so fundamental an issue as who should control the product of a news organization strikes me as depressingly telling.



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McKAY

In Defense of LA

Your obituary of our infant newspaper *LA* (MORE—February, 1973) concentrated almost entirely on the personalities involved, which is fine, insofar as it went. The abrupt demise of the paper did in fact result from a purely personal break between me and the publisher, Max Palevsky, and had nothing whatever to do with the paper's journalistic quality.

Your correspondent's focus, however, may have inadvertently obscured the fact that between our birth July 4 and our death Dec. 18, we had made a promising beginning and had chalked up some handsome accomplishments, to wit:

LA was the first to aggressively explore and then responsibly explain how under California's relaxed abortion laws some doctors were making a killing and were subjecting women to callous and dangerous medical procedures.

LA was the first to examine the frightening and almost inexplicable growth of youth gangs around here—especially among Mexican-Americans.

LA was the first to explain how some doctors are exploiting the unfortunate and giving insufficient medical care under a state-funded total medical care for so much a head plan.

Despite our inexperience and a paucity of money that didn't allow us to hire seasoned, polished reporters, our young people were also writing good political stuff.

Graphically, I don't think anyone can show me a paper that has exhibited a more imaginative and appealing face.

My own lingering sadness about *LA* is that we didn't have a fair chance of demonstrating whether it would work or not. Howard Smith reminded me the other day that it took *The Village Voice* seven years to break even. It took *New York*, if my intelligence is accurate, four years. And *The New York Times* spent a lot more money and died almost as quickly as we did out here. The infant *LA* had a scant six months before it was wrenched unceremoniously from its financial breast.

Someone, sometime will succeed in getting a publication of our general character on its feet in this strange land. But it will take a lot more money than we had, and a lot more time.

—Karl Fleming
Los Angeles

Peace at Hand (cont'd)

As specialists on Vietnam, Leslie Gelb and Anthony Lake (Kissinger's "Peace at Hand," February issue of MORE) justifiably deserve respect. As journalistic critics, however, I am compelled to note, kindly, they exceed their specialty.

In their analysis of "the seven-week fling with optimism" in "the press" over Henry Kissinger's "peace is at hand" proclamation of October 26, 1972, they are comparatively favorable in examining the news coverage of *The Washington Post* during that frustrating time frame for the press as a whole. One who gets off so lightly probably should not complain. But in a journalism review, the standards for scrutiny and accuracy are subject to special test. Even a few corrections, so far as *The Washington Post* is concerned, seem warranted.

The Gelb-Lake critique stated that "The initial stories from Marder and Berger (in the *Post*) did little except report official and background statements from the Administration. They let Kissinger's reference to 'minor details' and Nixon's insistence on removing ambiguities slip through

their articles. But as Marder got going in the month of November his pieces were penetrating . . . Marder stories dealing with Thieu, however, were not so skeptical. His December 15 article was written as if he believed that the Administration was headed toward accord with Hanoi regardless of what Thieu did and said . . .

To support that premise, Gelb and Lake made extraordinarily selective use of the *Post*'s coverage. I am confident that they are reasonably aware that the *Post* is not the Administration's most-favored newspaper and we, fortunately, scrambled more than most through this sequence. Often, as chief diplomatic correspondent, I was writing a lead-all story, which may explain some of the points that puzzled Gelb-Lake. Even so, the lead story of October 27 prominently explained in the fifth paragraph that although the Nixon administration was claiming that "peace is at hand," North Vietnam was charging that the United States three times "broke agreements to conclude the accord . . ." Furthermore, the story stated that although the Administration was projecting the prospect of a pre-election agreement, "it appears physically impossible not to conclude an agreement by October 31" and "unlikely" that an accord "can be concluded by November 7, the presidential election date".

The *Post* that same day, October 27, carried a bylined story by Marilyn Berger and H.D.S. Greenway which explicitly raised the question, "Could the war have been settled on roughly the same basis in 1969," and in a point-by-point analysis explored the large, not minor, questions left unanswered in the Kissinger press conference of the 26th.



On October 29, I reported that despite Kissinger's claim that negotiations could be completed in "three or four days," the Nixon administration actually was operating on a timetable "that would virtually preclude completing the process by election day, November 7," and that officials really were planning on "weeks, even possibly months," of prolonged negotiations.

Gelb-Lake noted a November 7 article of mine entitled "Serious Difference, Not Details, Apparently Stalls Peace," but they added, "Sadly, this was news analysis and appeared on page 14." I regret that, too, but the story was hardly buried; it had an eight-column head on it. Gelb-Lake surprisingly failed to note at all a Page 1 story of mine, November 9, headlined "Deliberate Stall Seen On Peace," stating that it was learned from sources inside the Administration that the Administration "planned to stretch North Vietnam over the November 7 election date in order to complete the accord at a less hazardous date" to avoid exposing the President to the risk of a "messy" ceasefire "during the critical week before the presidential election." The White House issued an official denial of that

story. I would hope that was not the reason why Gelb-Lake omitted any mention of it—because it was, in fact, pried out of a White House official the day before.

The critique, finally, reproached me for indicating on December 15 that the Administration "was headed toward accord with Hanoi," over the opposition of President Thieu, if necessary. Surely that is what did happen in January, after the B-52s "equalized" the Hanoi-Haiphong region.

Gelb-Lake concluded that "In sum, the *Post* stories were a little riskier and less hard than those in the *Times*, making them more interesting, and putting the reporter in a position better to catch or be caught by the Administration." I disagree that our stories were "less hard"; on the contrary, they were harder, and therefore stood up better. We were not trying to catch, or be caught by, anyone. We tried to forewarn our readers, in a column of mine on October 7, that "the competitive press itself is both victim and vehicle in the secret diplomacy now being played out, sucked into a can-you-top-this brand of journalism." We were determined to do our utmost to avoid being caught in anyone's game. The journalistic quicksand was deep, and we stumbled a few times, too. But we maintained a healthy skepticism about what *everyone* was saying, in *every* capital. We think that is the core of journalism.

—Murray Marder
The Washington Post
Washington, D.C.

Leslie Gelb and Anthony Lake reply: Before responding specifically to the "few corrections" Marder mentions, we should recall what our article was about. It took a look—and not an unsympathetic look—at some of the structural problems faced by Washington reporters, particularly on stories for which the appetite of public and editor is very large, while available information is very limited. It was not a simple scorecard on who did the best job covering the negotiations and U.S. policy. We regret that Marder chose to react to it as if it were such a report card, rather than to provide his thoughts on the larger problems we raised.

As to Marder's specific points:

—The first, third and fourth of his points placed emphasis on stories in the *Post* which predicted there would be no agreement by the November 7 election. Here Marder is finding examples to dispute a charge we never made. We did not suggest that the *Post* coverage was so optimistic as to predict or even imply that quick an agreement. What we did say was that the *Post* reporters, and others who were trying to follow the negotiations (including, as we noted in the article, ourselves) seemed to assume during much of the seven weeks after Kissinger's October press conference that the delays and difficulties of that period "were mere incidents on the certain road to peace."

This raises Marder's fifth point, that we should not have faulted his December 15 article for assuming that the Administration would reach a settlement without Thieu's agreement, if necessary. "Surely," Marder now writes, "that is what did happen in January, after the B-52's equalized the Hanoi-Haiphong region". There are two problems with his argument. First, that is not, we believe, what happened in January. Despite insisting on a bizarre signing procedure and despite his grudging performance since, Thieu did come along and accept the January accords. Nixon did not have to come to terms alone, without Thieu. Secondly, we should recall the circumstances of the December 15 article. Kissinger was just getting back from Paris. No one outside the government, and few inside, knew whether he had an agreement in his pocket. The

question then was whether the December negotiating session had succeeded or failed. The next day, Kissinger announced its failure. So the fact that an agreement was reached over a month later simply does not justify the impression left by the December 15 article in the *Post*.

—As to Marder's second point, we agree that the October 27 piece by Marilyn Berger and H.D.S. Greenway was a good one. But this was a piece about which side got more out of the October agreement and about whether it could have been achieved sooner. The article did not offer warning signals about the future. And this piece, like Marder's own analytical pieces, supports one of our central points—that the good reporters did a much better job when writing analysis than when trying to meet the cry for hard "news" about the negotiations, facts that simply weren't available. On such stories, we suggested, reporters would avoid getting trapped by doing "more analysis, especially on the front page (labelling it as such, of course)" and "less reporting of what government officials are saying, both officially and unofficially."

The fact is that the many front-page news stories in the *Post* and *Times* which were based on U.S. government sources did convey more optimism than was warranted. Very careful readers, picking

out the contrary "fifth paragraphs" and turning to the periodic analyses on the inside pages, might have concluded that the negotiations were in worse shape than generally believed. But most readers—scanning headlines, reading for substance and not carefully noting the sources mentioned, flipping through the middle pages—got a very different impression.

—Finally, we did not write that the *Post* was trying to catch or be caught. We were describing some traps all Washington reporters are in on stories like this, when they are especially at the mercy of their sources. The *Post*—a paper whose independence and skepticism we admire, as we respect Marder's—was in this trap as deeply as anyone, largely because it tried to devote such full coverage to the issue.

On the central point of our article Marder seems to have no quarrel, since what we sought to show was that the press was, in his words, "both victim and vehicle in the secret diplomacy".

Newsweek and Crime

Despite the advent of New Journalism, Now Journalism, Advocacy Journalism and the rest—all of which have their places, I firmly believe—one of the

main responsibilities of our profession is still simply reporting what goes on in the world around us. This is what *Newsweek* tried to do in its cover story on crime that seemed to upset you so much (MORE—January, 1973). Frankly, it's hard for me to see any inherent contradiction between that story and our earlier special issue analyzing the sad state of justice in America. They are, indeed, two sides of the same bad penny.

Whether any of us likes to admit it or not, crime and the fear of crime are changing the way we live our lives today—the evidence on that score is overwhelming. And one theme of the piece was the shortsightedness of letting fear forge a fortress mentality and a reliance on locks, cops and prisons.

But ignoring the problem of crime is something that journalists cannot really afford to do. And such treatment would hardly be likely to promote the public determination necessary to deal with that problem—both on the cops-and-robbers level and at its malignant social roots. My mention of those root causes in the story was not meant to be glib, I assure you.

—David M. Alpern
General Editor
Newsweek
New York City

(HELLBOX)

continued from page 2

Beirut and Zurich and art staffers David Shirey, John Canaday and John Hess providing the local leg work. Together, the team mounted compelling evidence suggesting that the Met was displaying a "hot pot," smuggled out of Italy by illegal excavators.

The *Times* first had to establish that the krater had been purchased from Robert Hecht, an art dealer with a somewhat shady reputation, who in turn had bought it from Dikran A. Sarrafian, a Lebanese dealer and collector. One man who might have spared Shirey and Gage their extensive digging was *Times* publisher Arthur Ochs Sulzberger, a trustee of the museum and a member of the Acquisitions Committee, which (though the series never made this clear) voted unanimously to acquire the vase. "I didn't question him," says Gage, "since I knew that as a trustee he was bound to confidence."

By all accounts, Sulzberger never attempted to interfere with the news copy, even though his close friend, Met director Thomas Hoving, came off sounding like this year's Clifford Irving. Nevertheless, the propriety of Sulzberger's association with the museum is open to question, particularly since the *Times* has yet to run an editorial keyed to any of the unfavorable stories of the past year. A. H. Raskin, assistant editor of the *Times* editorial page, attributed the omission to a letter from Douglas Dillon, president of the Metropolitan, promising a "white paper" that would clarify the acquisitions policies. "The Met is an institution of some standing and fairness to [it] would require us to wait," said Raskin. Dillon's letter was published Feb. 2—two-and-a-half weeks before the krater series broke.

Raskin conceded that "it has been a long time since Dillon's letter," adding, "we want the fullest possible explanation from the Met, but if they're going to use this time period as a shield—well, we certainly would want to comment. If something isn't forthcoming eventually, I suppose we'll have to re-assess how long we'll wait." One

wonders whether the same courtesy would have been extended to, say, City Tax Commissioner Norman Levy if, after being indicted for his role in fixing parking tickets, he had informed the *Times* that he was putting together a "white paper."

Another curious aspect to the krater story is the fanfare with which the *Times* announced its acquisition last fall. The news broke in the magazine Nov. 12 with a story written by James Mellow, a freelance who writes regularly for the Sunday paper.

The piece was assigned by the magazine's editor, Lewis Bergman, without Canaday's knowledge, despite the fact that he is the paper's chief art critic. And according to Canaday, who also happens to be the chief needler of the Met, great pains were taken to keep the assignment secret. He himself had been informed of the acquisition in mid-October, but Hoving had asked him to hold the story until the Met made an announcement in its official bulletin. Canaday claims that he questioned the krater's origin from the outset. "Suspensions about something that conspicuous come up immediately," he says, explaining that a vessel of that size and importance cannot be simply lying around unnoticed in someone's collection.

Canaday says he learned of the Mellow piece ten days or so before it was published. Assuming that the embargo was off, he quickly wrote a news article. The next morning he was told that his piece would run concurrently with the magazine's. In order for the magazine to have an "exclusive," he says, his story was "cannibalized"—some of his information was stitched into Mellow's piece and overlapping material was excised—with the result that he removed his byline. He recalls that he complained to his editors, "Can't you be castrated without being asked to show your wounds in public?" In the end, his piece was boiled down to a page-one box keying the magazine's "scoop." "The story is a subject of ill-will between me and the magazine," says Canaday, who seems to imply that his frustration sparked the investigative series (which he did, in fact, initiate).

Who brought the krater story to the magazine in the first place? Arthur Ochs Sulzberger.

—JEAN BERGANTINI GRILLO

Non-Event

When it was first proposed last fall, the temporary partnership of the august Smithsonian Institution and the distinguished Washington Journalism Center (whose almost exclusively male board includes such media heavies as *Washington Star-News* Editor Newbold Noyes and Associated Press Assistant Managing Editor Keith Fuller) could scarcely have seemed like an explosive match. The two institutions were brought together by Carl Larson, the Smithsonian's director of public affairs. Larson asked the Center, which sponsors fellowships for young journalists and holds seminars for reporters and editors, to set up a two-day conference on freedom of the press. The symposium, scheduled for April 30 and May 1, was to serve as a dedication ceremony for an improbably named Henry R. Luce Hall of News Reporting.

By mid-January, Julius Duschka and Charles Roberts, director and associate director of the Center, had come up with a proposal program featuring speakers and respondents of impeccable credentials—among them, CBS Vice-Chairman Frank Stanton, Yale law professor Alexander Bickel, Vice-President Agnew, Norman Cousins and the Smithsonian's own Daniel Boorstin, director of the Museum of History and Technology, which houses the Luce Hall. Of the panelists, only FCC Commissioner Nicholas Johnson and *New York Times* reporter Earl Caldwell could have been counted upon to make loud anti-Administration noises.

But even with that roster of notables, the subject matter was evidently too hot for Boorstin, who astonished officials of the Center at his first meeting with them by suddenly proffering a counter proposal—that the symposium "explore the historic-

al relationship between news and the communications technologies," with weighty discussions on the nature of photography, print and the electronic media. In desperation, the Center appealed to Boorstin's superiors at the Smithsonian; they assigned fellow Godfrey Hodgson the task of working out a compromise with Duscha and Roberts.

The new proposal, presented to the Smithsonian Feb. 12, outlined a more broadly defined conference to be titled, "The Media: Mirror or Torch?" Only two of the five sessions would concentrate on the government and the press. As an obvious concession to Boorstin, a number of academicians were listed among the participants. The Institution's response came in the form of a March 1 letter from Charles Blitzer, assistant secretary for history and art. While retaining the planned topics, the letter substituted an almost entirely new cast of speakers, including obscure authors of books on technology. "Although some of the names we are suggesting are less well known than some you suggested," wrote Blitzer, "we feel that their participation will be more in keeping with our traditions and will reflect great credit on both institutions." Faced with a symposium that would wind up with a rousing discussion of the use of videotape, computers and facsimile, the Center decided to bow out.

Boorstin, the man who contributed "pseudo-ever" to the language, hasn't made himself available for comment since his Institution's event was called off.

-T.P.

The Suicide Pact

On Feb. 27, the second lead of the Hearst-owned Boston *Herald American* was headed, SUICIDE PACT TIED TO DEATHS OF 5/ALL MARBLEHEAD YOUTHS. The first sentence of the story, under the bylines of three reporters, showed the tell-tale signs of a snowjob: "Shock and dismay swept through this famous yachting resort town last night as reports came to light of a mass suicide pact among drug users. Sources have linked five deaths to the pact which was alleged to involve seven" [all emphasis added].

The peg for the story was the death of 18-year-old Charles "Chuckie" Kelley. Kelley had left a bar where he was drinking with friends three days before the story appeared. The next morning he was found hanging from a tree a mile away. He was in fact the fifth suicide in Marblehead since 1967 but the *Herald American* story offered no hard evidence of any connection between the deaths.

The "sources" mentioned in the lead boiled down to an unnamed "relative of one of the dead boys" who assured reporters that, "I know there is a suicide pact, because the latest victim told my brother only two weeks ago what was pre-arranged."

In spite of this flimsy evidence (which was repeatedly quoted through several editions) the article built an aura of mystery and conspiracy by quoting the refusals of Marblehead officials to comment. Thus, "Robert Shaughnessy, medical examiner for Essex County refused to comment . . . the medical examiner's assistant Dr. Arthur O'Neil who investigated at least one of the deaths said he would not give out any information . . . Kept secret are official policy reports and autopsy examinations, normally a matter of routine public information." But the records were far from secret. The story appearing in the Tuesday afternoon *Herald American* was based not on a visit to the town but on the rumor spread by the "relative" and a few phone calls. The following morning, the updated story included data drawn from the coroner's files in Marblehead Town Hall.

The second edition of the story, headlined RUMORS OF PACT SWEEP MARBLEHEAD/FIFTH SUICIDE FEARED, began: "Police and officials were reluctant Tuesday to discuss rumors about young drug abusers joining in a suicide pact." It went on to speculate "the widely held belief here is that the fifth youth will kill himself shortly to carry out the weird agreement made several years ago with four of his friends." No new evidence was introduced although the "relative" was re-quoted. The arithmetic was also altered as the suicides of a sixteen-year-old in 1967 and a twenty-one-year-old in 1968 were disconnected from the "pact." Perhaps the *Herald* noted that dating the "pact" from the earliest death would make the five conspiring suicides 16, 20, 17, 14, and 12 years old; hardly a typical peer group.

In the third story on the suicides the afternoon *Herald* dropped mention of the "pact" from the headlines and ran a fairly straight story on "Chuckie" Kelley and his problems. But the "pact" theme surfaced briefly with "some say he had taken a fling at drugs and talked of being a member of a suicide club."

Thursday morning the story was Kelley's funeral, but the paper wasn't ready to drop the "pact." That afternoon, under a small head, DEATH VICTIMS HAD 'FRATERNITY,' a new source materialized—a "local housewife" who claimed that "at least six boys who met tragic deaths were close friends . . . they started a club in a shed in the rear of her home when they were 13 or 14 year olds. . ."

In spite of this new lead, the *Herald American's* dogged investigators had to let the story drop: the heat from local police, town officials and reporters was becoming too great. Articles in the *Lynn Item*, *Salem News* and other papers in the area were probing the shaky foundations of the "pact." The strongest critique came in a page-one opinion analysis in the *Marblehead Messenger*. Editor Bill Kirtz attacked the *Herald American* for citing anonymous sources, misquoting town clerk Betty Brown and misusing information supplied by Police Captain John Wheeler to buttress the allegations of a "pact." "There's probably a story to be done on why a youth commits suicide, but it's too important to leave to the *Herald American*," wrote Kirtz.

-LENNY GLYNN

Corrections

In an exchange in our February issue dealing with Edwin Diamond's "In The Public Interest" (MORE—December, 1972), Daniel Bell states that fellow Harvard professor Thomas Pettigrew had "strongly attacked" James Coleman's study on equality of educational opportunity. Bell now understands that observation to be incorrect and has asked that he be put on record retracting it . . . For our part, we would like to apologize for an editorial lapse in Diamond's part of the exchange. In replying to Bell's letter, he wrote: "As for my comments on the highly politicized nature of *The Public Interest* [a quarterly co-edited by Bell], I'll send anyone who mails a self-addressed, stamped envelope—unlike Bell's magazine, I don't have a Ford Foundation subsidy (a story for another occasion)—with a run-down of recent *PI* articles. . . ." We do think a good case can be made against the Ford Foundation's rather selective support of magazines, but that hardly excuses the undocumented parenthetical phrase, "a story for another occasion." That kind of innuendo has no place in any publication, much less a journalism review.

(CLASSIFIEDS)

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The Second A.J. Liebling Counter-Convention*

Mayflower Hotel—Washington, D.C.

Thursday, May 3: Party for one and all beginning at 8:30 PM.

Friday, May 4

8:30 A.M.

What's Wrong With Journalists?

Speaker: Philip Geyelin, editor of *The Washington Post* editorial page.

10:00 A.M.

Journalistic Lessons of the Vietnam War

Moderator: Dan Rather, CBS News. Panelists: Murray Marder, *Washington Post*; Gloria Emerson, Kennedy Institute of Politics; Paul Fisher, Pacifica Radio Network; Robert Manning, the *Atlantic*; Barry Zorthian, former U.S. press chief in Vietnam.

10:00 A.M.

Press Councils and Press Criticism

Moderator: Elie Abel, Columbia Graduate School of Journalism. Panelists: Robert Maynard, *Washington Post*; Richard Pollak, [MORE]; M.J. Rossant, Twentieth Century Fund; Hodding Carter 3rd, *The (Greenville, Miss.) Delta Democrat-Times*.

2 P.M.

Is Anyone Covering the City of Washington?

Moderator: Hal Walker, CBS News. Panelist: Jack Limpert, *The Washingtonian*; Ken Walker, *Washington Star-News*; Sam Smith, *D.C. Gazette*; Pat Matthews, D.C. Bicentennial Commission.

2 P.M.

Getting Subpoenaed: How to Fight Back

Workshop; Jack Landau and Fred Graham, Reporters Committee for Freedom of the Press; Earl Caldwell, *New York Times*.

4:30 P.M.

Is Congress Still There?

Moderator: Robert Clark, ABC News. Panelists: Carolyn Lewis, WTOP-TV; Mark Green, author of *Who Runs Congress?*; Rep. John Brademas (D., Ind.); Paul Duke, NBC News.

4:30 P.M.

And Now A Word From Your Editor . . .

Moderator: Morton Kondracke, *Chicago Sun-Times*. Panelists: Tom Winship, *Boston Globe*; Charles Seib, *Washington Star-News*; William Thomas, *Los Angeles Times*; Sylvan Meyer, *Miami News*; David Laventhol, *Newsday*.

8 P.M.

Reliable Sources, How Reliable?

Moderator: Victor Navasky, author of *Kennedy Justice*. Panelists: Milton Gwirtzman, former Kennedy campaign aide; Leslie Gelb, Brookings Institution; Benjamin Bradlee, *Washington Post*; James Boyd, Fund for Investigative Journalism; John Lofton, Republican National Committee.

*Some panels and workshops were still incomplete at press time.

Saturday, May 5

10 A.M.

Political Columnists: Can They Be Cosmic Three Days a Week?

Moderator: Roger Wilkins, *Washington Post*. Panelists: Frank Mankiewicz, former columnist; Spencer Rich, *Washington Post*; John Twohey, co-author of a new column; Tom Wicker, *New York Times*; Marianne Means, Hearst.

10 A.M.

The Guild and AFTRA: Can Journalists Survive on Bread and Butter Alone?

Workshop: Stephen Rosenfeld, *Washington Post*; Charles Perlik, The Newspaper Guild; Nat Hentoff, *Village Voice*; George Herman, CBS News; Morton Mintz, *Washington Post*; Sanford Wolff, AFTRA.

NOON

Alternative Media: What Can They Teach The Straight Press?

Workshop: An exchange of views between both camps.

2 P.M.

Why Is 90 Per Cent of Washington Uncovered?

Moderator: Charles Peters, *Washington Monthly*. Panelists: Ralph Nader; Robert Shogan, *Los Angeles Times*; Taylor Branch, *Harper's*.

2 P.M.

Power in the Newsroom: Who Has It And How to Get It

Workshop: Ron Dorfman, *Chicago Journalism Review*; Adalbert de Segozac, *France-Soir*; Jan Reifenberg, *Frankfurter Allgemeine Zeitung*; Larry Finley, *Chicago Daily News*; Laura Shapiro, *The Real Paper*; Jacques Amalric, *Le Monde*; John McCormally, *The (Burlington, Iowa) Hawk Eye*.

4:30 P.M.

Newsgathering on the Canape Circuit

Moderator: Lynn Sherr, WCBS-TV. Panelists: Sally Quinn, *Washington Post*; Vera Glaser, Knight Newspapers; Isabel Shelton, *Washington Star-News*; Kandy Stroud, *Women's Wear Daily*.

4:30 P.M.

The Government and Broadcasters: Jamming the Airwaves

Moderator: Les Brown, *Variety*. Panelists: Judy Bachrach, *Philadelphia Inquirer*; Robin MacNeil, NPACT; Andrew Horowitz, Network Project; Tracy Westen, Stern Community Law Firm.

8 P.M.

Presentation of the 1973 A. J. Liebling Award by David Halberstam, author of *The Best and the Brightest* (recipient to be announced). Followed by: **How They Cover Me**

Moderator: Art Buchwald. Panelists to be announced.

Sunday, May 6

9:30 A.M.

A Deadline Every Minute: Is Wire Service Reporting Obsolete?

Moderator: Jim Hoge, *Chicago Sun-Times*. Panelists: Gene Roberts, *Philadelphia Inquirer*; Grant Dillman, UPI; Stephen E. Nordlinger, *Baltimore Sun*; Tom Powers, formerly UPI; Seymour Hersh, formerly AP.

9:30 A.M.

Investigative Reporting: How to Get The Goods On the Baddies.

Workshop: Bob Walters and James Polk, *Washington Star-News*; Carl Bernstein and Bob Woodward, *Washington Post*; Jerry Landauer, *Wall Street Journal*; Jann Wenner, *Rolling Stone*.

12:30 P.M.

The White House: Who's Kicking Whom Around?

Moderator: J. Anthony Lukas, [MORE]. Panelists: John Osborne, *New Republic*; Robert Semple, Jr., *New York Times*; Henry Trehwitt, *Newsweek*; Andrew Kopkind, WBCN-FM (Boston).

12:30 P.M.

The Hometowners: From Pennsylvania Avenue to Main Street

Workshop: Theo Lippman, Jr., *Baltimore Sun*; Seth Kantor, *Detroit News*; Paul R. Wieck, *Albuquerque Journal*; Alan S. Emory, *Watertown (N.Y.) Daily Times*; Donald R. Larrabee, Griffin-Larrabee News Bureau.

3 P.M.

Who Decides What Is News?

Moderator: Brit Hume, [MORE]. Panelists: Christie Basham, NBC News; Robert MacNeil, UPI; Eileen Shanahan, *New York Times*; Richard Harwood, *Washington Post*; Victor Gold, Vice President Agnew's former press secretary.

3 P.M.

Where Do We Go From Here?

Workshop: Reconvening of the ad hoc committee formed at Liebling I, co-chairmen Jim Higgins and Lance Tapley.

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"The size and diversity of the (MORE) gathering were perhaps its most significant features, reflecting a growing concern and discontent in the nation's newsrooms"—The New York Times

"Simply Godawful"—George Frazier, Boston Globe

"Zwei Tage lang diskutierten sie fast pausenlos in einer überfüllten Halle über ihre Arbeit und ihre Probleme, ihre Sorgen und Zukunftsaussichten"—Die Weltwoche, Zurich

"Joe [Liebling] would have loved it"—Saturday Review

"While the publishers searched their balance sheets, the reporters searched their souls"—The Economist, London

When the first A.J. Liebling Counter-Convention adjourned last spring to mixed reviews (see left), most of the 3,000 participants seemed to agree on only one thing: "Do it again." So, when the American Society of Newspaper Editors meets in Washington the first week of May, (MORE) will sponsor the Second A.J. Liebling Counter-Convention, May 3-6, at the Mayflower Hotel.

Last year, when Liebling I ran counter to the meeting of the American Newspaper Publishers Association, the publishers holed up in the Waldorf stewing about the price of Canadian newsprint. Thus, we turned to the editors this time and, happily, the ASNE has agreed to encourage a dialogue between editors and reporters in Washington.

Unlike last year, when the program ranged across virtually the entire landscape of American journalism, Liebling II will concentrate on two broad themes: "Washington Journalism" and "Power in the Newsroom." For details, see program inside on page 23.

Those who attended Liebling I will recall the crush that resulted from the astonishing turnout, which caught us unprepared. To avoid overcrowding this time, we urge all those who plan to attend to register now by filling out the blank below. When you arrive in Washington your admissions badge will be waiting for you.

The \$10 registration fee includes a one-year subscription to (MORE), a one-year renewal of a current subscription or a one-year gift subscription for someone else. Those who don't wish to take advantage of this special offer may register for \$8. Persons wishing to stay at the Mayflower Hotel should call collect (212) 661-7300. The special rates offered by the hotel to Liebling II guests are: \$23 a day single, \$30 a day double.

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